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SCOTLAND'S PART AND PLACE

IN THE

REVOLUTION OF 1688.

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Scotland's Part and Place in the Revolution of 1688

BY

CHARLES G. M'CRIE,

AUTHOR OF
"STUDIES AND SKETCHES;" ANNOTATED EDITION OF "THE CLAIM OF RIGHT;"
"RELIGIOUS LIFE IN SCOTLAND IN COVENANTING TIMES."

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When Charles the First was pronounced by the Court of Commissioners who tried him to be a tyrant, a traitor, a murderer, and an enemy of his country, and when, on the 30th of January 1649, his head was severed from his shoulders, the Scots proclaimed his son Charles at the Cross of Edinburgh "King of Great Britain, France, and Ireland." Commissioners were despatched to Holland to confer with the uncrowned monarch, and to invite him to return

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Completely subjugated by the strong hand of Cromwell, Scotland continued during the remainder of his life undemonstrative. Her annals were dull, for her Supreme Ecclesiastical Court

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The power which ruled the Commonwealth of Great Britain was now a military one; and the one man who wielded that power soon discovered that power cannot be lodged in the army and at the same time even the semblance of parliamentary government be maintained. And government through representatives, through men of the gown and not men of the sword, was dear to the heart of the British people. The House of Commons might be filled with Cromwell's armed men, the Speaker might be pulled out of his chair, the silver mace swept from the table as a bauble, and the doors of the chamber locked, but the determination of the nation to have a "free parliament" could not be overcome. It

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Acquiescence in that state of matters lasted till the death of the dictator, whose grandeur of character, wisdom, and purity of administration secured the submission of even Royalists and Presbyterians, who cordially hated their ruler. But when the father was nominally succeeded by a son, soon discovered to be destitute of military genius, and possessed of scarcely average abilities, the tide of reaction rose high. The old quarrel between parliament and the army broke

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Sick alike of military rule and puritanic austerity, the nation longed for liberty, and began to suspect such could only be gained through a restoration of monarchy. But the Ironsides of old Cromwell hated the very name of king, and might be expected to fight fiercely against any proposal to bring the Stuarts back to power. An appeal to arms seemed unavoidable, when one man stepped on the scene, broke up the hitherto compact phalanx of military power, and brought about the restoration without costing either side an ounce of blood. That one man was General George Monk. A stranger to political parties, the very opposite of a zealot, and with very slender claims to saintship, Monk was a thorough Englishman and a born soldier. He was a master of the art of saying nothing, and, with a reserve which nothing could break through, he kept friends and foes alike in the pain of suspense till the moment seemed to him to have arrived for disclosure. The Commonwealth army in Scotland which he commanded, was, at the crisis now reached, in strong force

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The transport of delight with which England welcomed back the exiles could not be greater than that with which tidings of what had taken place on the 29th of May were received in Scotland. There was feasting and dancing at Holyrood, in which the Lord Commissioner and

his lady, surrounded by young lords and ladies, took an active part; there was thundering of cannons from the castle heights and the flaming of a great pyramid of coals and tar barrels in the outer court of the palace; and there was civic revelling at the Cross, the open space round which was transformed into the appearance of a vineyard, with an impersonation of Bacchus bestriding a hogshead of wine, and here the Lord Provost and Magistrates drank bumpers of claret, and "gave most ample permission to all mankind for the space of twelve hours by the clock to be as mad with mirth as their imaginations could fancy."[1]

With such abounding hilarity and abandonment of merriment was the Restoration accomplished and signalised. And for a time it seemed as if both the surface and the spirit of society were changed. One historian of the English people represents what was noblest and best in Puritanism as sharing the same fate with its "pettiness and its tyranny," and as being "whirled away in the current of the nation's hate." According to this authority godliness became a by-word of scorn; sobriety in

[1] From "Edinburgh's Joy for His Majesty's Coronation in England."

dress, in speech, in manners, was flouted as a mark of the detested Puritanism. Duelling and raking became the marks of a fine gentleman; and grave divines winked at the follies of "honest fellows" who fought, gambled, swore, and drank, and ended a day of debauchery by a night in the gutter.[1] There is, unhappily, only too much of accuracy in these statements. With the recalled Charles there came back noblemen and squires given to the excesses of the cavalier spirit, and bringing with them female companions of doubtful character, continental tastes, and the newest fashion in dissipation. If the spirit of an age is to be gathered from its literature, then the spirit of society at the Restoration must have been the most licentious Britain has ever known. Never did impurity run so openly, riot so shamelessly, as in the literature of the Restoration. The great literary figure of the Restoration, and for forty years following, was "Glorious John Dryden," as his admirers style him. Leaving out of view Dryden's changes of religious profession, which indicate no sincerity of conviction, only

[1] J. R. Green's "Short History of the English People," chap. ix., sec. 1, p. 589.

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Houses proceeded to invite Charles Second to return to this country and to the throne of his fathers. A fleet was despatched to convey him from Holland to England. Before leaving Breda he gave forth a declaration promising a general pardon, religious toleration, and satisfaction to the army. From the moment he landed at Dover the journey of Charles to London was one magnificent triumphal procession. A truly royal welcome was given to him whose return was regarded as the restoration of the reign of peace, of law, and, above all, of freedom. When, on the 29th of May 1660, the recalled wanderer found himself once more at Whitehall, in the palace of his ancestors, the humorous side of the matter presented itself to his cynical nature. With the light laugh of a careless soul, he remarked, "It is my own fault that I had not come back sooner, for I find nobody who does not tell me he has always longed for my return."

The transport of delight with which England welcomed back the exiles could not be greater than that with which tidings of what had taken place on the 29th of May were received in Scotland. There was feasting and dancing at Holyrood, in which the Lord Commissioner and

his lady, surrounded by young lords and ladies, took an active part; there was thundering of cannons from the castle heights and the flaming of a great pyramid of coals and tar barrels in the outer court of the palace; and there was civic revelling at the Cross, the open space round which was transformed into the appearance of a vineyard, with an impersonation of Bacchus bestriding a hogshead of wine, and here the Lord Provost and Magistrates drank bumpers of claret, and "gave most ample permission to all mankind for the space of twelve hours by the clock to be as mad with mirth as their imaginations could fancy."[1]

With such abounding hilarity and abandonment of merriment was the Restoration accomplished and signalised. And for a time it seemed as if both the surface and the spirit of society were changed. One historian of the English people represents what was noblest and best in Puritanism as sharing the same fate with its "pettiness and its tyranny," and as being "whirled away in the current of the nation's hate." According to this authority godliness became a by-word of scorn; sobriety in

[1] From "Edinburgh's Joy for His Majesty's Coronation in England."

dress, in speech, in manners, was flouted as a mark of the detested Puritanism. Duelling and raking became the marks of a fine gentleman; and grave divines winked at the follies of "honest fellows" who fought, gambled, swore, and drank, and ended a day of debauchery by a night in the gutter.[1] There is, unhappily, only too much of accuracy in these statements. With the recalled Charles there came back noblemen and squires given to the excesses of the cavalier spirit, and bringing with them female companions of doubtful character, continental tastes, and the newest fashion in dissipation. If the spirit of an age is to be gathered from its literature, then the spirit of society at the Restoration must have been the most licentious Britain has ever known. Never did impurity run so openly, riot so shamelessly, as in the literature of the Restoration. The great literary figure of the Restoration, and for forty years following, was "Glorious John Dryden," as his admirers style him. Leaving out of view Dryden's changes of religious profession, which indicate no sincerity of conviction, only

[1] J. R. Green's "Short History of the English People," chap. ix., sec. 1, p. 589.

sordidness of motive, what falls to be said of his writings?

One of the most competent of editors charges them with indecency of such a nature as prevents songs, otherwise gems of art, being separately collected. If he could be correct and dignified when it suited his interests, it seemed easy and more natural for Dryden to be gross and coarse; it pleased him better to minister gratification to the prurient indecency of dissolute courtiers and vulgar cits of London, than to impart classic grace to prologues and epilogues for academic audiences at Oxford.[1]

All that has ever been said in extenuation of Dryden's immorality is what has been advanced in defence of other and equally criminal offenders—that he would seem to have had two natures, and that his licentious writing was the fruit of the licentiousness of the age. The latter of these extenuations, when admitted to the full, only bears out our estimate of the morals of the period.

And there were lower depths than those to which general literature descended. For the drama of the Restoration touched the lowest

[1] W. D. Christie's biographical introduction to "Select Poems," by Dryden. Clarendon Press.

depths human shamelessness has ever reached. Here let another competent authority say for us what we would hardly venture to pen from our own knowledge and upon our own responsibility.

"The Comedy of the Restoration," writes Green, "borrowed everything from the Comedy of France, save the poetry, the delicacy, and good taste which veiled its grossness. Seduction, intrigue, brutality, cynicism, debauchery, found fitting expression in dialogue of a studied and deliberate foulness, which even its wit fails to redeem from disgust." The world as Wycherley, the first dramatist of the time, saw and painted it, was "a world of brawls and assignations, of orgies at Vauxhall and fights with the watch, of lies and double-entendres, of knaves and dupes, of men who sold their daughters, and women who cheated their husbands." But the cynicism of Wycherley was no greater than that of the men about him; and in mere love of what was vile, in contempt of virtue, and disbelief in purity or honesty, the king himself stood ahead of any of his subjects.[1]

And yet, in this terrible reaction and this

[1] J. R. Green's "Short History," chap. ix., sec. 1, pp. 589, 590.

dark flood of immorality, all was not lost. Puritanism was not dead, though for a time driven from court and capital. For John Milton lived—"blind yet bold"—lived through the civil war, served the State during the Protectorate, and wrote immortal verse after the Restoration till his death in 1674.

And Andrew Marvell—"honest Marvell"—the friend of Milton, lived, and took his seat in parliament as member for Hull in the year of the Stuart recall. And John Bunyan lived; crossed the threshold of Bedford prison in the close of the year of Restoration; crossed the river that lay between him and the Celestial City in the year of Revolution.

So long as these men lived the spirit of Puritanism could not die out of England; and there were men of like nobility of character and purity of conduct living in and leavening the life of Scotland whom we do not need to name at present, as we shall have occasion to note, at an after stage of our undertaking, the stand they made and the sufferings they endured for religious and civil liberty.

Then, if we pass from persons to principles, from the influence of individual lives and that of great national movements, we shall find that

from out the din and turmoil of civil strife, from out the contentions of parties, there had emerged certain tendencies of conviction which gave complexion to the history of modern Britain, and proved mighty factors in bringing about the crisis that was still eight and twenty years ahead. One of these tendencies was religious; another was political.

The religious tendency is one, the influence of which it will fall to us to trace in succeeding chapters, and so we content ourselves with at present simply stating it to be distrust and dislike of Roman Catholicism.

Churchmen and Dissenters, Presbyterians and Independents, Quakers and Baptists might strive among themselves, and that somewhat fiercely, but a common passion pervaded them all, and bound them together in a mortal antipathy. The experience of generations at home and abroad had impressed indelibly a conviction of the restless and encroaching disposition of the Papacy, had led to Roman Catholics being regarded as disloyal subjects, and to their religion being held in utter detestation by nine-tenths of the middle class. The frenzy of horror and dread which filled the minds of Protestants at the discovery of the Gunpowder Plot in 1604,

when the first of the Stuarts was on the throne, may have lost something of its acuteness towards the close of the century, but it never ceased to influence public opinion and instigate national antipathies till the last of the Stuarts, an avowed Papist, fled the kingdom. Charles James Fox reveals the insight of a great statesman when, referring to the failure of Charles the Second to deceive his parliament and his people, he makes this observation:—"The great antipathy of the bulk of the nation to Popery caused many to be both more clear-sighted in discovering, and more resolute in resisting, the designs of the court, than they would probably have shown themselves if civil liberty alone had been crowned." [1]

The political tendency which preponderated at the period of the Restoration was one in the direction of the limited power of sovereigns.

During the reign of the first two Stuarts the political problem that most nearly touched the interests, and was most potent to stir the passions of men, was that which concerned the source and the limits of power, whether parental, patriarchal, papal, or political. James the First and

[1] "A History of the Early Part of the Reign of James the Second." By Charles James Fox. Introductory chapter.

Charles the First claimed authority direct from God, and called upon their subjects to yield implicit, unconditional obedience to them. Their claims, and the measures they took to enforce them, led men to question and to reason; and out of these questionings and reasonings there emerged two schools of political economy, the advocates of which first argued and then fought with each other.

There were not wanting controversialists ready to uphold the *jus divinum* of kings and all that might flow therefrom. One of these was Sir Robert Filmer, a royalist in the time of Charles the First. This learned baronet wrote several political pieces, in all of which the irresponsibility of kings to their subjects was asserted, and the evils of government by the people were denounced. Of these treatises one has been rendered conspicuous, in consequence of John Locke having made its reputation the immediate occasion of his writing upon civil government. Sir Robert's work is called "Patriarcha; or, The Natural Power of Kings." The propositions advanced therein are of such a nature as must have gladdened all royal despots and carried dismay to the hearts of lovers of liberty. Here are some of the sentiments of the stanch

royalist:—The vulgar opinion that mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it please, is not more "erroneous in divinity" than it is "dangerous in policy;" government by the people is a thing "not to be endured much less defended;" it is unnatural for the multitude to choose their governors or to partake in the government; to affirm that the people have power to punish or deprive the prince if he transgress the laws of the kingdom is "a perilous conclusion, a desperate assertion;" it is not right for kings to do wrong, but it is right for them to go unpunished by their subjects if they do it; the opinion that the people may partake and join with a king in the government, and so make a state mixed of popular and regal power, is a vain fancy, a mere impossibility or contradiction; as for parliaments, "the liberties of favour and grace," which are claimed in them are restrained for time, place, persons, and other circumstances to the sole pleasure of the king, who assembles the people by his writs, calls them to what place he pleases, and then again scatters them with his breath at an instant, without any other cause shown than his will; the civil wars of Great Britain have sprung from

"the wantonness of the people," not from the tyranny of any prince, "and have been so unnatural as to render not unjust that censure of kingdoms, according to which "the king of Spain is said to be the king of men, because of his subjects' willing obedience; the king of France king of apes, because of their infinite taxes and impositions; but the king of England is said to be the king of devils, because of his subjects' often insurrections against, and depositions of their princes."[1] So much for the learned Sir Robert Filmer, Bart., and his endeavour to set forth the nature and extent of kingly power. No one born in the purple could desire a more pronounced vindication of kingcraft and despotism.

But there were other and stronger intellects at work in the seventeenth century upon this problem of the foundation and limit of regal authority. And one of the strongest was the intellect of Thomas Hobbes, of Malmesbury, who died within ten years of the Revolution. Hobbes also was a royalist, a hater of democracy, the

[1] Sir Robert Filmer's "Patriarcha" has been made accessible to every possessor of a spare shilling, having been printed by Routledge & Sons, along with Locke's "Treatises on Civil Government," in "Morley's Universal Library," vol. 9.

mathematical tutor of Charles the Second when a refugee in Paris, and his pensioner after the Restoration. The great object of his political writings was to enable sovereigns to quell the rising spirit of democracy, by supplying them with philosophic grounds on which to take their stand and exercise their rights. The view taken of human nature by the courtly philosopher is a singularly low one. According to him, man is an untameable beast of prey, to be kept from mischief only by the strong chain of government; and so the body politic is a huge "Leviathan," the title which he gave to his greatest work published under the Commonwealth in 1651, and a copy of which he caused to be written on vellum for presentation to Prince Charles. In this treatise men are represented as divesting themselves of all natural rights for the sake of peace and security, and agreeing to submit to an authority which can preserve quiet only by being the sole depositary of force, being absolute and unlimited. The power to rule cannot be withdrawn from those to whom it has been committed, nor can they be punished for misgovernment: a perfect community is one in which law prescribes the religion as well as the morality of the people, in which the will of the sovereign is

the sole foundation of law. Others might think that to live by one man's will is the cause of many men's misery: Hobbes was prepared to argue that so to live is the only means of all men's happiness.

So far the views of Hobbes coincide with those of Sir Robert Filmer, and one can understand how pleased the court of Charles would be with such a low estimate of human nature, and how the epigrams of the sage of Chatsworth, where Hobbes was tutor to three generations of the Earls of Devonshire, would become, in their pungent brevity, current coins of profligate wits. But, speculating on the controversies of his time, Hobbes went deeper when he turned his thoughts to the origin and source of power or authority. He regarded all men as originally equal, and having equal rights to all things, and only by mutual compact or covenant making surrender of their natural rights. This surrender may result in any one of three kinds of commonwealth, the difference consisting in the difference of the person or persons representative of all and every one of the multitude. "When the representative is one man, then is the commonwealth a 'monarchy'; when an assembly of all that will come together, then it is a 'democracy,' or popular

commonwealth; when an assembly of a part only, then it is called an 'aristocracy.'"

Hobbes contends stoutly for the first of these, but admits that the difference between the three is not radical, as consists simply "in the difference of convenience, or aptitude to produce the peace and security of the people, for which end they were instituted." The end for which the representative, be it a monarch or assembly, is entrusted with the sovereign power is stated in one significant expression—"*Salus populi*, the safety of the people, there being meant by safety not simply a bare preservation, but also all other contentments of life, which every man, by lawful industry, without danger or hurt to the commonwealth, shall acquire to himself." "To the care of the sovereign belongs the making of good laws, and a good law is that which is needful for the good of the people." "The good of the sovereign and people cannot be separated." "To be severe to the people is to punish that ignorance which may in great part be imputed to the sovereign, whose fault it was that they were no better instructed."[1]

[1] The "Leviathan" of Hobbes is now as accessible to the English reader as the "Patriarcha" of Filmer, and the "Two Treatises" of Locke forming the twenty-first volume of "Morley's Universal Library."

Brave sentences these—grand watchwords—*salus populi, bonum populi,* in return for which one inclines to forgive the rugged old sophist for his demeaning estimate of human nature, and to overlook the blunder in political economy into which he fell when he invented an original contract or pact to account for the formation of a commonwealth. But there were those in his own day who could not find it in their hearts to forgive one whose arguing excluded divine right in kings and popes. They rested not till they had brought about his expulsion from the court at Paris, the burning of his principal works by an order of Parliament, and the branding of his teaching as a synonym for irreligion and immorality.

The teaching of Hobbes, which made no impression upon the shallow nature of the recalled king, was not thrown away upon thinking men. For the greatest thinker of the period between restoration and revolution, owning Hobbes for master, became the interpreter of England's Constitution, and the expounder of England's liberties. John Locke, in addition to the services he rendered speculative philosophy by giving sixteen years of his life to his "Essay concerning Human Understanding," enriched the literature of his country with "Three Letters

concerning Toleration" and "Two Treatises on Civil Government."

It would have been doing what a much inferior man could also have done had Locke in these noble writings simply swept aside the fallacies and demolished the sophistries with which the doughty baronet, Sir Robert Filmer, had overlaid the foundations of the British Constitutions. Happily for us he did that, and far more than that. In opposition to the author of "Patriarcha," in whose eyes all men are born in subjection to kingly authority, Locke contends that the state of nature is one of perfect freedom; freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other men. With him there is "a power in the people of providing for their safety anew by a new legislature when their legislators have acted contrary to their trust." In the judgment of this judicially minded thinker absolute monarchy is inconsistent with civil society, the legislative power of every commonwealth must govern by promulgated laws, and these must be for all alike—one rule for rich and poor, for the favourite at court and the countryman at the

plough; the laws must have for their end the good of the people—*salus populi suprema lex*, and the rulers must not raise taxes on the property of the people without the consent of the people given by themselves or their deputies. Finally, the people have a right when the supreme power, by the miscarriage of those in authority, is forfeited, to act as supreme and continue the legislation in themselves, or place it in a new form or new hands as they think good.

To place the legislation in new hands as the people think good! That was just what the people proceeded to do at the crisis of 1688.

And what about Scotland in this matter of the seat and the limits of civil power? The thinking men of Scotland were in this department of thought not behind but ahead of those in England, ahead in more ways than one. In proof of this we need only refer to the writings of two Scots who profoundly influenced the thinking of their day.

George Buchanan belonged to the sixteenth century. Long before Hobbes taught Charles the Second mathematics the accomplished Scot taught James the Sixth of Scotland, Latin, Greek, arithmetic, geography, logic, and rhetoric. For

the benefit of that pedant prince his teacher composed in classic Latin a dialogue, to which he gave the title of "De Jure Regni, apud Scotos Dialogus; or, The Rights of the Crown in Scotland." First published in 1579, the work ran rapidly through several editions, and has more than once been translated into English. In the course of the dialogue Buchanan endeavoured to inculcate upon his royal pupil such principles as these: that all power is derived from the people; that it is safer to entrust the nation's liberties to the protection of the laws than to the discretion of kings; that the king is bound by those conditions under which the supreme power was originally committed to his hands; and that it is lawful to resist and even to punish tyrants.

Condemned by the Scottish Parliament in 1584; prohibited by the Privy Council in 1664 from being transcribed or circulated; consigned to the flames by the University of Oxford in 1683; the dialogue was in 1688 burned by the hangman of Edinburgh, after the body of the author had been resting for upwards of an hundred years in Grey Friars Churchyard. On this last occasion the name of the Scottish historian was associated with that of a fellow-countryman more widely known, more highly

honoured, and more dearly loved. The executioner who threw Buchanan's "De Jure Regni" into the burning heap at the Cross, did the same with a treatise of Samuel Rutherford's. That man of saintly renown had died twenty-seven years before this indignity was put upon his writings, died peacefully on his bed just in time to prevent his enemies conferring upon him the honours of martyrdom. His obnoxious treatise had been published in 1644 under the title of "Lex, Rex; or, The Law and the Prince," and was occasioned by the appearance that same year of a plea for the absolutely passive obedience of subjects to their sovereigns from the pen of the excommunicated Bishop of Ross. Issuing from the press when the leading divines of England and Scotland were meeting in the Jerusalem Chamber of Westminster Abbey, the work of the St Andrews professor caused no small stir among the assembled theologians. It was to be seen in every one's hands, and speedily put into the shade the treatise of Buchanan, up till then considered sufficiently anti-monarchical, but now slighted as not far enough advanced.

Some may make light of Rutherford's work, regarding it as "a tough literary morsel," from which only, by dint of hard labour, can any

principles be extracted; and they may make sport of the historical references with which the author endeavours to support his reasoning, drawing, as he does, largely from "that race of shadowy Scottish monarchs who have now vanished into thin air."[1] But to do so is to betray a lack of historical insight and of ability to allow for the different tastes of different ages. The very form into which Rutherford threw his advanced thinking was sufficient, before the advent of light literature, to create and stimulate interest in no ordinary degree. The form is that of questions. In forty-four of these the writer subjects the whole field of government in general, and of the power of kings in particular, to a profound, masterly, and exhaustive discussion. The Scotch are a nation of thinkers, and as such have never shown any aversion to digest larger quantities of truth than morsels, even should there be dryness and toughness therewith. But for the mental palate of Scotch readers of "Lex, Rex," there would be neither dryness nor toughness, but infinite sweetness and tenderness, in such questions and answers as these:—Question—"Whether or no the king be only and

[1] J. Hill Burton, "Hist. Scot.," vol. vii., chap. lxxviii., p. 155.

immediately from God, and not from the people?" Answer—"The power of creating a man a king is from the people." Question—"Whether or no sovereignty is so in and from the people that they may resume their power in time of extreme necessity?" Answer—"The community keepeth to themselves a power to resist tyranny and to coerce it. The parliament hath more power than the king." Question—"Whether the supreme law, the safety of the people, be above the king?" Answer—"The law of the twelve tables—*salus populi suprema lex*—is to be preferred to the king, for the king is not to seek himself, but the good of the people." Question—"Whether the king of Scotland be an absolute prince, having a prerogative above laws and parliaments?" Answer—"No. The negative is asserted by the laws of Scotland, the king's oath of coronation, and the Confession of Faith."

Such specimen questions and answers may serve to show what sort of food was provided by the Scotch professor for the Scotch intellect to digest and assimilate. And it is very certain that, unrepelled by the dense quarto pages strewed so plentifully with Latin, Greek, and Hebrew quotations, the Scotch intellect did take kindly to the pabulum thus provided. And so

it came about that by the time restoration was brought about, it was a first principle of political economy with the men who had the moulding of Scotch character and the making of Scotch history; that, when the people make a person their king, they do so not absolutely, but conditionally, there being a covenant tying the king no less than his subjects.

What Charles the Second thought of these things, and how he treated all covenant ties, will appear in the chapter that follows.

CHAPTER II.

RESTORATION UNSETTLING.

Lord High Commissioners in Scotland from 1660 to 1685: Middleton, Rothes, Lauderdale, Duke of York—Lord Advocates of the period: Fletcher, Nisbet, Mackenzie—Military Men of the period: Turner, Dalziel of Binns, Grierson of Lag, Graham of Claverhouse, Duke of Monmouth—Legislation of the period: The Act Rescissory, Restoration of Episcopacy, Robert Leighton, James Sharp, Covenants condemned as unlawful, The Ejection of 1662, Restoration of Court of High Commission, Proclamation against Conventicles, Intercommuning, The Test Oath—Sufferings in Scotland during the period: Loss of Life, Torture, Fines, Exactions, and Quarterings, Banishment, Transportation, Slavery, Men driven to Crime and to take up Arms—Assassination of Archbishop Sharp—The Rising at Pentlands, at Loudon Hill, and at Bothwell Bridge—Declarations of Covenanters connected therewith — The Queensferry Papers—The Sanquhar Declaration.

WHAT Macaulay described as a *hysterica passio* of loyal repentance and love could not last long. When it was over Charles II. set himself to carry out a policy of reaction, and of this policy Scotland came in for a special share.

In tracing the unsettling and reactionary policy to which our country was subjected from the Restoration in 1660 to the death of Charles in 1685, we shall acquaint our readers with the agents to whom the carrying out of that policy was entrusted, the legislative measures which

were passed in order to accomplish it, and the sufferings which the royal policy entailed.

Fortunately for Charles, unhappily for Scotland, there were not wanting men ready to carry out the royal will, in the hope of thereby advancing their own interests. There were hungry courtiers, profligate statesmen, venal lawyers, pliable churchmen, all eager to turn the Jacobite regime to good account, regardless of antecedents, of pledges, and of principles. To satisfy themselves that our description is not exaggerated, we invite our readers to examine the following portraits that hang in the national gallery of Scottish history for the twenty-five years with which we are now concerned.

During that period the first ministers of the Crown, Lord High Commissioners as they were styled, were, in succession, the Earl of Middleton, the Duke of Rothes, the Earl of Lauderdale, and the Duke of York.

John, Earl of Middleton, was a soldier of fortune, who had risen from the ranks. His military experience may have fitted him for the offices which were conjoined with his commission to represent his sovereign in the Scottish Parliament, those, viz., of commander of the forces and governor of Edinburgh Castle; his habits of confirmed intemperance were certainly

such as qualified him to preside over legislators and politicians who were seldom sober. Making a tour on one occasion through the western and southern shires, he made, says Kirkton, "such a rant as was never known in Scotland before or after," and the statement is followed up with a description of the accommodation which those who undertook to entertain the Commissioner and his councillors required to make for the debauchery that ensued, such as we cannot soil our pages with transcribing. It was during that tour of the provinces that Middleton and his drunken crew varied their saturnalia by devoting the midnight hour to drinking the devil's health at the cross of Ayr.[1]

When Middleton was ruined by the intrigues of Lauderdale, and deprived of all his offices, he was succeeded as Lord High Commissioner by the Earl of Rothes, who was thereupon rewarded by his sovereign with a dukedom.

Middleton had been openly intemperate; Rothes was scandalously impure. So licentious was this first Minister of the Crown, that Archbishop Sharp felt constrained to act the part of candid friend and sage adviser, telling him what

[1] Kirkton, p. 149. Wodrow, vol. i., book i., chap. 3, p. 282.

was being said at Whitehall and Lambeth concerning him—to wit, that he was unfit to be engaged in the king's service, that he was dissolute, lascivious, and wholly given up to pleasure; that his associates were men "without brains and morality," whom he kept about him for purposes of drinking, gambling, and wantoning; the result being that he and his household set an example to the country of loose living. With gross immorality the Duke of Rothes combined callous cruelty. He was present at the meeting of the Privy Council when Hugh Mackail and John Neilson of Corsock were subjected to the torture of the boot of pain. Neilson was so cruelly handled that, in the language of the old chronicler, "he screight for pain in terrible manner, so as to have moved a heart of stone." But the cries of the victim did not move his inquisitor, the Duke of Rothes, who called frequently for "the other touch." [1]

After Rothes came Lauderdale. The Earl bearing that title started in public life as a Covenanter. But he was not a man to allow antecedents to stand in the way when the tide turned in another direction; and so when Jacobite colours became the fashion of the day,

[1] Kirkton, p. 252.

Lauderdale became a monarchy man. The royal will was now the rule of his conduct; implicit obedience the keynote of all his actions. By conviction and sympathy he might still be a Presbyterian and a Covenanter, but as the king so willed it he figures in the reactionary period as an Episcopalian and a persecutor. One of the king's ablest ministers, he was also one of the most unscrupulous. Rough and insolent in manner, loud and coarse alike in his mirth, and in his anger the unmistakeable sensuality of the man was stamped upon his swollen figure and bloated face, the sensuality being heightened by occasional touches of sarcasm.

When Lauderdale was sinking, a savage old tyrant, into his dotage, the Duke of York, brother of Charles, was sent to supersede and succeed him as Lord High Commissioner. To enlarge upon the character and administration of James is not needful at this stage, as he will be the leading figure in the chapter that follows.

Next to the Lord High Commissioner, in respect of political influence, came in those days the Lord Advocate of Scotland.

At the Restoration Sir John Fletcher was appointed the new king's advocate. Owing this preferment to the fact of his being a relation of

Commissioner Middleton, Fletcher was regarded with general distrust, and that deepened into dissatisfaction when it became evident that the Lord Advocate's favour could only be secured by the liberal use of the golden key. The arrival of sums of money at the advocate's house became a matter of such common occurrence, that the bearers of them were instructed by the female head of the house to deposit them upon the floor, as they would a load of coals or billets of firewood. The unblushing rapacity of this official brought his career to a close, and the vacant office was bestowed upon Sir John Nisbet of Dirleton. Nisbet was a scholar, with special fondness for Greek literature, and by the profession he was regarded as an able lawyer; but the vice of his predecessor infected him, and to secure his object there was no dishonesty to which he hesitated to commit himself. "At a time," says a modern legal authority, "when bad men were common, he was one of the worst; and it does not appear that, in the course of his public career, he ever did one deed which lightens the darkness of his servile and mercenary life."[1]

[1] Omond's "Lord Advocates of Scotland," vol. i., chap. vii., p. 199.

Forced to resign in 1677, Nisbet was succeeded by Sir George Mackenzie. The earliest public appearance of this remarkable man was as one of the three counsel who defended the Marquis of Argyll, and at the outset of his career the rising advocate was a man of the people and the courageous champion of popular rights. Stung, however, by what he regarded as the treachery of his party, young Mackenzie conceived an aversion to the principles he formerly avowed, and resolved that henceforth he would "submit to his prince." The foremost advocate at the bar was now a Jacobite, and was not long of reaping his reward. With the honour of knighthood and the rank of a Privy Councillor, Sir Robert Mackenzie of Rosehaugh became Lord Advocate of Scotland. As such it fell to him to conduct what has justly been stigmatised as one of the most infamous prosecutions which ever took place in Scotland—that of Mitchell, the would-be-assassin of Sharp. He prosecuted the Covenanter Cargill, and he appeared for the Crown in the trial for treason of Sir Hugh Campbell of Cessnock, and the trial of Baillie of Jerviswood for complicity in the Rye House Plot. Owing to these official appearances, and also the extent to which he attempted to brow-

beat witnesses, and the unscrupulous eagerness with which he pressed for convictions, Mackenzie came to be regarded by the people of Scotland with feelings of peculiar detestation. "The bluidy Mackenzie" was the title with which he was popularly branded; and long after his body was laid in the churchyard of Greyfriars, it was regarded as a test of courage for an Edinburgh boy to go alone to his tomb and repeat the lines—

> "Bluidy Mackenzie, come out if ye daur!
> Lift the sneck, and draw the bar."

When the piper in Sir Walter Scott's "Redgauntlet" is ushered into "the auld oak parlour" of the castle, in his dream of the night, "there was singing of profane sangs and birling of red wine, and speaking blasphemy and sculduddry;" there he sees "a set of ghastly revellers seated round the table," among whom he identifies "the fierce Middleton, and the dissolute Rothes, and the crafty Lauderdale." There also was "the Bluidy Advocate Mackenzie, who, for his worldly wit and wisdom, had been to the rest as a god."[1] But there are not wanting in the career of this Scotsman some things which serve to rescue his memory from unmitigated execration. It was

[1] "Redgauntlet," letter xi., Wandering Willie's Tale.

he who suggested to the Faculty of Advocates the formation of what has since become one of the institutions of which his countrymen have good reason to be proud—the Advocates' Library. Still more to his credit, as showing the possession of scruples and a conscience, when James II., on his accession to the throne in 1685, moved in the direction of relaxing the laws against nonconformity, Mackenzie resisted the measure. The explanation of his non-compliance with the royal will is to be found in the fact that James insisted upon a relaxation of the Test Act solely in the interests of his co-religionists, the papists. As neither the Parliament nor the Privy Council would yield, James dismissed six of his ministers, one of whom was Sir George Mackenzie. Reduced to the standing of an ordinary barrister, the ex-Lord Advocate defended the party he had formerly prosecuted and persecuted, doing so with zeal and success. But he remained true to the house of Stuart to the end of his life. When the Scottish people declared that James Stuart had forfeited the throne, and resolved to make offer of it to William and Mary, Mackenzie, finding himself in a hopeless minority, left Scotland, never to return alive, and died in London in 1691.

Lord High Commissioners could secure the passing of acts of parliament, and Lord Advocates could prosecute those that were placed at the bar of Privy Council or Court of Session, but neither of these sets of ministers of the Crown, however subservient to the royal pleasure, could carry out the Restoration unsettling as Charles desired to have it effected among the peers and the peasants in the highlands and lowlands of Scotland. Another set of men was required—men neither of the robe nor of the gown, but of the sword and the pistol. These were not long of appearing on the scene.

First came Sir James Turner, a rough military adventurer, intemperate in all things, whose motto, learned in Continental wars, was, serve your master, whoever he may happen to be at the time. He had, at an early period of his life, fought under the blue banner of the Covenant, but after the Restoration he was ready to harass and oppress his old comrades, quartering troopers on quiet households, exacting enormous fines from people with moderate incomes, and taking away cattle from bedfast women who had no money with which to satisfy his demands.

Then came General Thomas Dalziel of Binns.

He also had served abroad, "doing the work of the barbarous Muscovite far off at the back of Europe," and returning with "the largest stock of ferocity and rapacity."[1] In him the Stuarts found not only a willing tool, but an ardent fanatic, as was testified by the length of his white beard, which stretched far down his waist, having been left to its natural growth since the murder, as he regarded it, of Charles I.

Some years later there appeared other two men who largely contributed to give the period in which they figured the name of the killing time. One of these was Robert Grierson, Laird of Lag. In Nithsdale and Galloway no man was regarded with greater detestation than this judicial murderer of the female martyrs of Wigton, the very name of Lag being invested with a terror and a weird fascination which have not altogether vanished in our own day. And the other was John Graham, Viscount of Dundee, better known by his territorial title of Claverhouse, best of all in Scotland by that of "Bloody Claverse." Three masters of the art of historic delineation—the writer of "Old Mortality," the biographer of John Knox, and the Whig historian of England, have given

[1] J. Hill Burton, Hist., vol. vii., chap. 78, p. 173.

us pen and ink portraits of this famous Jacobite.

Even Sir Walter Scott, who has done his best to relieve the dark features of his sketch by dwelling upon the physical attractiveness of his hero, seen in a countenance such as "limners love to paint and ladies to look upon," heard in a "voice of that happy modulation which could alike melt in the low tones of interesting conversation and rise amid the din of battle, loud as a trumpet with a silver sound,"—even Sir Walter acknowledges that there was in Claverhouse severity of character, that he was imbued with that disregard for individual rights which political intrigues usually generate, and that he was fierce and ardent in pursuing success, careless of death himself, and ruthless in inflicting it upon others. The reviewer of the "Tales of my Landlord," and the vindicator of the men therein caricatured, uninfluenced by the glamour of his countryman's genius, and writing in the fulness of an unequalled knowledge of the period, places Claverhouse before such readers as prefer truth to fiction as "a bloody, unrelenting, and remorseless persecutor, and one of the most active and unprincipled supporters of arbitrary

and despotic power."[1] And Lord Macaulay, not unaware of the efforts that have been made to whitewash the hero of Killiecrankie, gives his judgment in favour, not of the romancer, but of the historian, for, while ascribing to Graham of Claverhouse distinguished courage and professional skill, he yet charges him with being "rapacious and profane, of violent temper, and of obdurate heart, so that he has left a name which, wherever the Scottish race is settled on the face of the globe, is mentioned with a peculiar energy of hatred."[2]

Among all the military men employed to give effect to the sovereign's will regarding Scotland at this time, was there not one entitled to be regarded as a man of feeling, of moderation, and of some measure of refinement? Yes, there was one, though only one. In 1679 there was sent to Scotland the ill-fated James Crofts, illegitimate son of Charles II. and Lucy Walters, upon whom, as the favourite of his father, a profusion of titles and favours had been lavished. Married while yet a boy to the heiress of the ducal house of Buccleuch, he appeared in Scotland as James, Duke of Buccleuch and Monmouth. In

[1] M'Crie's "Miscellaneous Writings," p. 314.
[2] "Hist. of England," chap. iv.

private life the handsome and affable duke was a libertine; but in his official position, as general in command of the king's forces, he was brave, skilful, and opposed to the exercise of cruelty. Severe as were the reprisals that followed the engagement at Bothwell Bridge, they would have been severer still had not the Duke of Monmouth been in command at the time. To lay waste the whole of the west of Scotland, to kill large numbers of the prisoners, and to permit the army to engage in indiscriminate plunder, or at least to have three or four hours to work their will in the city of Glasgow—these were measures which officers of the Claverhouse stamp solicited their commander to sanction. To his credit, be it stated, he rejected their proposals with detestation. To him a number of Presbyterians, who had not participated in the risings of Pentland or Bothwell, but who were nevertheless harassed with imprisonments and fines, addressed their supplication, moved to do so by a sense of his "excellent moderation," his "tender compassion" in hindering the effusion of much Christian blood, "which some others were much thirsty after."[1] And for their relief the placable Duke exerted himself when in London with such good effect that there issued from Whitehall a proclamation

[1] Wodrow, vol. iii., bk. iii., chap. iii., p. 147.

suspending the laws against conventicle holders and attenders.

Well would it have been for Scotland had the spirit of the king's unfortunate son animated other members of his house and court, even although that spirit was lacking in all the finer and higher qualities that impart goodness and command respect. But Monmouth's commission as captain-general of the forces was soon recalled, and shortly afterwards he fell under the malign influence of an unworthy Scot—Fergusson the plotter, who goaded him into rebellion, which brought on the battle of Sedgmoor, and ultimately brought its leader to the block.

These then were the men, legal and military, to whom was entrusted the policy which it was the royal will and determination Scotland should accept at his hands as its restored and covenanted monarch. And what was that policy? It was one the object of which was to render Charles independent alike of statesmen, soldiers, and churchmen, to give him a free hand to rule as he liked, and to gratify his passion for pleasure without challenge and without restraint. On the subject of religion the cynical, frivolous, and rakish monarch had no convictions. Popery, Episcopacy, and Presbyterianism were to him

nothing but forms of hypocrisy in which knaves and fools masqueraded, and it would have been matter of utter indifference to him for which of the three his subjects manifested a preference, had all of them equally favoured his exercise of arbitrary power, and granted license to his sensual indulgence. That, however, was what the despotic and dissolute monarch well knew the Presbyterianism of Scotland would never do. Arbitrary power could not coexist with a free Parliament; open licentiousness at Whitehall or Holyrood would never be allowed to pass unreproved in a free Assembly. And so the Presbyterianism of Scotland must be effaced, giving place to a Church polity which would be tolerant of Stuart tastes and vices. As to prelates, those in Scotland had never been noted as reprovers of great men, but had ever been found ready to overlook the faults of kings and courtiers. They were firm believers in the doctrine that kings can do no wrong, and strenuous upholders of the duty of non-resistance to rulers. The king could count with confidence upon the vote of the bishops in Parliament, and might rely upon their instilling such principles of unbounded loyalty into the minds of their people, as would tend to make them willing vassals, if not crouching slaves.

The first Scotch Parliament that met subsequent to the Restoration, set itself to carry out the royal will with alacrity and decision. It cleared the way for positive legislation by passing the Act Rescissory, which cut off all the statutes of the past twenty-seven years, thus bringing into force again abrogated laws in favour of Episcopacy; it framed an oath of allegiance, acknowledging the king supreme over all persons, and in all causes; and it prohibited the renewal of the covenant. That the morals of the people might not seem to be overlooked, this same Parliament passed enactments against profane swearing, Sabbath profanations, and drunkenness; but, unfortunately, the difficulty always in the way of making subjects sober by Acts of Parliament was in this case increased by the fact that the rescinding Act was resolved upon after a drinking bout, when honourable members were not in their sober senses.[1]

The next step was taken in the Scottish Privy Council, to which, in September 1661, a letter from his Majesty was presented. Beginning with a reference to the Act Rescissory, which is claimed to have left to the royal pleasure the settling and securing of Church government, the

[1] Burnet's "Hist. of Own Times," book ii.

document gives expression to "our firm resolution to interpose our royal authority for restoring of that Church to its right government by bishops, as it was by law before the late troubles, and as it now stands settled by law." The Privy Council was as compliant as the Parliament, and so an Act was framed giving effect to the royal resolution, and then proclaimed by the Lyon King-at-Arms with flourish of trumpets at the Market Cross of Edinburgh, the magistrates being present in their robes.[1]

All that was now necessary for the setting up of an Episcopate in Scotland was a body of men willing to be the bishops of the new polity. And among those who had been ordained to the ministry by the laying on of the hands of the presbytery there were found fourteen men ready to receive prelatic consecration.

Among these fourteen few were men of any standing, some were of damaged reputation, either morally or professionally, and some the objects of the contempt and ridicule of the district in which they lived. It was not so in the case of two of their number, the memory of one of these being as fragrant of saintliness as that of the other is rank with infamy. Alexander

[1] Wodrow, vol. i., bk. i., chap. ii., sec. vii., p. 230.

Leighton, the Puritan writer of *Zion's Plea against Prelacy,* for the writing of which he had received at the hands of the prelates in Laud's time the brutal outrage of the pillory, the lash, and the branding iron, was the father of Robert Leighton who has been termed by one historian [1] "The Fenelon of the Scottish Church," and by another [2] "the one saint common both to the Presbyterian and the Episcopalian Church." After being for eleven years parish minister of Newbattle in Mid-Lothian, Leighton had been appointed principal of the Edinburgh University. Had the matter been left to himself it is very certain he would never have surrendered the learned leisure of that office for any ecclesiastical preferment however high. But Leighton had a brother, Sir Ellis, who, after he had turned papist, had become secretary to the Duke of York. This brother was the intimate friend of Lord Aubigny, also a papist, and a court favourite. Through the influence of these two wire-pullers, Charles II. was induced to nominate Robert Leighton as one of the bishops of the new Scotch Episcopate, not without the hope that the investing with the

[1] Dr John Cunningham's "Ch. Hist. of Scot.," vol. ii., chap. xix., p. 89.

[2] Dean Stanley's "Lectures on the Hist. of the Church of Scot.," lec. iii., p. 105.

lawn of so mild and saintly a man might propitiate his Presbyterian brethren, and possibly pave the way for a Church polity dearer still to the courtiers. For the catholicity of Leighton's spirit, his occasional visits to the Popish College at Douay, his continuing all through life unmarried, his love of the mystical and the ascetic, all fostered the expectation that the brother of Sir Ellis might one day follow his Romeward steps. In view of the undeniably weak elements in the character of Leighton, it is satisfactory to know that such a hope must have been ultimately seen by those who cherished it to be wholly illusory. For his life-long friend and devoted admirer, Bishop Burnet, states, with manifest surprise and regret, that as the Scotch prelate was reaching the end of life he became more pronounced in his dislike of popery, and in his lamentations over "the shameful advances that were being made in that direction, his condemnation and lamentations being pronounced" with a tenderness and an edge that I did not expect from so recluse and mortified a man.[1]

With that indifference to ecclesiastical forms, which so strongly marked his character and career, it mattered little or nothing to him that

[1] Burnet's "Hist. of Own Times," book iii.

the Anglican prelates insisted upon his receiving from them the orders first of a deacon and then of a priest before they would consent to consecrate him as bishop, he quieting his scruples with the sophistry that this would not infer the annulling of his Presbyterian orders—a sophistry which, it is safe to say, imposed upon no one but himself.

If Robert Leighton was the John of the company in which he found himself on returning from consecration at Westminster, no Scotsman of that period would have hesitated before answering the question, "Who was the Judas?" "James Sharp" would have been his prompt reply. Ordained according to Presbyterian order minister of Crail, in Fifeshire, and thereafter appointed professor of theology of St Andrews, this ecclesiastic had been at an early stage of his career selected as the man best fitted to watch over the interests of Scottish Presbyterianism. In this capacity he had had interviews with General Monk at London, and with Charles II. first at Breda and thereafter at Whitehall; he wrote long letters to his brethren in Scotland reporting progress, expressing fears and hopes, lamenting the "high, loose spirit appearing in noblemen and others who talk of bringing in

Episcopacy into Scotland," which he trusts they shall never be able to effect. It will probably never be known at what precise time this dexterous man of affairs betrayed the cause he represented, but this is beyond dispute, that when he returned to Scotland he did so as the Archbishop of St Andrews elect. When all that can be said in extenuation of his conduct has been adduced to soften the charge of deliberate turpitude, it is hopeless to set up a plea of honest convictions for the ecclesiastical turncoat. He was, at best, "a self-seeking man, who took the winning side when it was offered to him."[1]

So soon as the four Presbyterian ministers who had received Episcopal consecration in London returned to Scotland, with James Sharp for their primate, legislation went on briskly in the interests of the new regime. The Scotch Parliament passed an act for the restitution and re-establishment of the ancient government of the Church by archbishops and bishops; the National Covenant and the Solemn League and Covenant were condemned as "unlawful oaths," hostile to "the fundamental law and liberties"

[1] Statement by writer in *N. B. Review*, No. viii., p. 455, quoted by J. H. Burton, vii., p. 141.

of the subjects, all persons holding positions of public trust being required to abjure them; and every clergyman whose ordination dated subsequent to 1649 was required to obtain a presentation to his benefice from the patron of his parish and collation from the bishop of his diocese. That the last measure might not remain inoperative, the Privy Council passed a decree on the 1st of October 1662 prohibiting all ministers who had not obtained presentation and collation from exercising their sacred calling, declaring the charges vacant, and requiring them and their families to remove out of their parishes before the 1st of November. When the day of decision came, three hundred and fifty Presbyterian ministers came out, abandoning their pulpits and their manses. Although convinced they had blundered, the government officials felt they had gone too far to draw back, and deemed it better now to drive matters to the bitter end. Legislation was resorted to in order to compel people to attend the emptied parish churches, and accept the ministrations of the curates now in charge of them. Penalties were exacted from absentees by an act which came to be known as "the bishop's drag-net," and this was followed up by "The Mile Act,"

which prohibited outed ministers residing within twenty miles of their former parishes, within six miles of a city, and three miles of a royal burgh.

As the work of forcing Episcopacy upon a reluctant people grew hotter it was found necessary to erect a new tribunal, or rather to restore an old institution, the Court of High Commission, which had been, to use Wodrow's expression, "the plight anchor of bishops" in the reign of James I. and Charles I., and was in their day universally detested and dreaded. As the quondam minister of Crail was the prime agent in getting this inquisitorial court resuscitated, and the first commissioner named in the king's letter of appointment, the High Commission was styled in Scotland "the Crail Court."

Ostensibly the Court was set up for the execution of laws against popery, separation, and disobedience to ecclesiastical authority, power being given to any five Commissioners to deal with "all Popish traffickers, intercommuners with and resetters of Jesuits and seminary priests, with all who say or hear mass," as well as with "all keepers of conventicles, all ministers who remain or intrude themselves on the functions of the ministry in inhibited parishes, all who do not orderly attend divine worship, administration of

the word and sacrament performed in their respective parish churches." That Popery was not in the view of Archbishop Sharp and his associates becomes evident when it is known that during the time the Court sat not a single Papist was ever at its bar, attention being exclusively devoted to Presbyterian lairds and clergymen. Against these a further piece of legislation emanated in 1665, when a royal proclamation issued from the Privy Council declaring conventicles to be "unlawful meetings," to be present at which is to be guilty of sedition. But the cup of legislative oppression was not yet full. Another drop was added to its bitterness in 1676 in the form of another proclamation against open-air gatherings for the worship of God, emanating from "Charles, by the grace of God, defender of the faith." In this manifesto all ministers officiating at, and all persons attending, conventicles are declared "intercommuned," that is, not to be harboured nor relieved, and a reward is offered to any discovering persons harbouring or relieving those intercommuned. As this meant furnishing food, clothing, and shelter, the giving effect to it implies banishment from home and society, deprivation of the simplest courtesies and charities of life—in short, rigid

boycotting with all the aggravation of legal sanction and enforcement.

In 1681 the Duke of York came to Scotland to represent his brother as Lord High Commissioner, and so be out of the way during the sitting of the English Parliament. He was now an avowed Roman Catholic, and religious bigotry was the ruling force in his intolerant and despotic mind. At the opening of the first parliament, over which he presided, all the members were required to affirm that in their judgment it was unlawful for subjects to enter into leagues or covenants, or to take up arms against the king or those commissioned by him, that in particular, these oaths whereof the one was commonly called the National Covenant, and the other a Solemn League and Covenant, were unlawful oaths, which had been taken and imposed against the fundamental laws and liberties of the kingdom, so that there was no obligation upon any who had taken them to endeavour any alteration of the government either in Church or State as now established.[1]

But renouncing unlawful oaths, so-called, was not enough for the Popish Commissioner, there must be the swearing of a lawful one in the place

[1] National Manuscripts of Scotland, No. 102.

of such. And so by the same Parliament there was issued a Test Oath. Strangely puzzling, complex, and even contradictory was this form of adjuration. For whereas, at the outset, the person binding himself by it professed his full belief in and compliance with "the true Protestant religion contained in the Confession of Faith recorded in the first Parliament of King James VI., and solemnly disowned all Popish or fanatical principles and practices," before the oath was ended he had sworn that it was his conviction that "the king's majesty is the only supreme governor of this realm over all persons and in all causes as well ecclesiastical as civil," and he had promised to defend, assist, and maintain his majesty's jurisdiction foresaid with his utmost power.

There must have been many upon whom this Test Oath was pressed who sympathised with the Earl of Argyll, who, when it was tendered to him as a privy councillor, affirmed that no man could explain it for another, and that he would only take it "in as far as it is consistent with itself and the Protestant religion." The inconsistencies of the Test Oath were so glaring and evoked such criticism, that the authorities in Edinburgh found it necessary to issue an Act of

Council explaining its drift; but the explanation simply consisted of an affirmation that no inconsistencies existed. And so the Test in all its original stringency was rigorously applied to all persons in public trust, civil, ecclesiastical, or military, under pain of ruinous fines, confiscations, and even death itself. That same busy and pliant Parliament of 1681 passed another act, which had a personal interest for the Duke of York. It was one setting forth the right of succession to the crown of Scotland. The act asserted that the kings of this realm, deriving their power from God Almighty alone, do lineally succeed thereto according to the known degrees of proximity in blood, which cannot be interrupted, suspended, or diverted by any act or statute whatsoever; and that none can attempt to alter or divert the said succession without involving the subjects of this realm in perjury and rebellion.[1] From the Scotch Parliament the younger brother of Charles, Papist though he was, seemed to have nothing to fear; so far as act and declaration could secure it for him, the British throne was destined to be his.

These, then, are the leading legislative measures passed in Scotland to give effect to the

[1] J. H. Burton, vol. vii., chap. lxxix., p. 241.

will and pleasure of Charles II., so far as his northern subjects were concerned. We have now to inquire what of trouble and loss and suffering the carrying out of these measures entailed upon the people of Scotland. It is not needful to enter into details at any length. These form the principal contents of a chapter in our national history with which most Scotsmen are familiar—a chapter the most pathetic and painful in a history full of pathos and of pain. It will suffice if we furnish a classified outline of Scotland's losses and sufferings during the dark and troubled years extending from 1661 to 1685.

First. There was loss of life in the case of multitudes of Scotland's worthiest and noblest. Archibald, Marquis of Argyll, was, at the earliest possible date, brought to the scaffold. Sir Archibald Johnston of Warriston, seeking safety on the Continent, was hunted down in France, and then sent to Edinburgh to be hanged, and to have his head affixed. He went out of life, as Lauderdale, who was present at his execution, could testify, praying for the king, for the church, and for the kingdom, but without one word for himself. When the decapitated body of the nobleman was carried to Greyfriars Churchyard, the head was set up on the Nether-

bow Port beside that of one who had been his friend, and had already suffered the same fate. This was the Rev. James Guthrie of Stirling, who, in setting forth *The Causes of the Lord's Wrath,* had published what was held to be "damnable and execrable leasings, slanders, and reproaches against his majesty's dearest father of eternal memory." Guthrie was the first minister of the Gospel put to death after the Restoration, but his execution was followed by that of others equally faithful and outspoken. Donald Cargill, minister of the Barony Church, Glasgow, gave forth, in 1681, an excommunication not wanting either in force or in explicitness. Claiming authority so to do as a minister of Christ Jesus, he excommunicated, cast out of the church, and delivered up to Satan the following personages:—Charles II., the Duke of York, the Duke of Monmouth, the Duke of Lauderdale, the Duke of Rothes, Sir George Mackenzie, and Dalziel of Binns,—the crimes laid at their doors being those of apostacy, perjury, adultery, blasphemy, persecution, and the setting up of idolatry in Scotland to defile the Lord's land.[1] For a man with the courage of

[1] Cargill's Torwood Excommunication will be found in full in the appendix to *The Cloud of Witnesses.* Thomson s edition, 1871. Pp. 507-510.

such convictions, there could be nothing short of capital punishment and the setting of his forfeited head alongside that of Warriston and Guthrie, as was done on the 27th of July 1681. As with noblemen and clergymen, so with peasants, with boys, and even with women. They were executed in batches, they were shot down in couples or singly on the moorland, their murderers watching for a convenient opportunity to pick them off like so many head of game, without a trial and without time to utter a hasty prayer.

Second. There was the inflicting of cruel torture upon those from whom it was desired to extort evidence criminating themselves or others.

Boys, some of them not out of their teens, were asked to declare who of their neighbours had been present at the covenanting risings. One of these youths refusing to give information, a small cord was tied about his head and, the ends being attached to the butt of a pistol, the cord was twisted about till the flesh was cut round into the skull. Piercing cries, heard far off, were of no avail, and the young sufferer died shortly after this handling of his tormentors. A herd-boy in the parish of Glencairn, whose

master was suspected of having been at Bothwell Bridge, but who either could not or would not tell anything to the soldiers of Claverhouse, had two cords fastened to his thumbs, and was then suspended from the roof of the house, where he hung for several hours. Another boy, "going in ten," was examined as to the haunts of some outed ministers. To open his sealed lips, first bribery and then intimidation were employed; but these proving ineffectual, he was beaten with swords and with fists, kicked to the ground several times, and finally left writhing and bleeding in the open field as "a vile, ugly, dumb devil." Tender women were not spared. The wife of a villager in Langside, refusing to inform about her husband, had lighted matches placed betwixt her bound fingers, and the torture was continued for some hours, but without the desired effect. The same inhumanity was practised upon a servant-maid in the parish of Auchinleck when she refused to take the Test Oath, declaring she did not understand it, the kindled matches in her case burning the flesh off the fingers and laying bare the bones.

That disgrace of Roman jurisprudence, torture by machinery, had been always illegal in England, but in practice it was not unknown, the rack

being occasionally employed for political purposes. Just six months before the meeting of the Long Parliament, Charles I. employed it as one of his means for pressing down the yoke more severely upon his subjects. But the spirit of the nation revolted against the barbarity; torture was again declared illegal in England, and was inflicted for the last time in May 1640. In Scotland, however, this expedient for extracting secrets was still recognised as competent, although always odious, and six years after the Restoration it was resorted to freely. One instrument was the boot of pain—an iron cylinder in which the leg was placed up to the knee, and into which wooden wedges of increasing thickness were driven with successive blows of a hammer or mallet. Another was the thumbkins. These portable engines of torture, imported by General Dalziel from Muscovy, resembled a pair of steel stocks, furnished with a strong central screw. The thumbs of the prisoner having been placed in two apertures, the upper bar could be screwed down according to the orders of the inquisitor, even to the reducing of flesh and bone to a mass of pulp. So excruciating were the agonies of the victims of the boot and the thumbkin that even hardened officials hastened out of the

chamber when the instruments were brought in, and it was found necessary to pass an order of the Privy Council that members keep their seats while the question was being thus put.

The illustrious William Carstares, on whose sagacity and fidelity William III. mainly depended in giving revolution settlement to Scotland, was, in 1683, sent from England to Edinburgh, in order to be examined as to his knowledge of particulars bearing upon the Rye House Plot, and that solely because, in Scotland, the questioning could be enforced by the use of torture. Accordingly, on the 5th of September, this noble Scot was brought from the Tolbooth to "that long, low-browed chamber in the Parliament House where the Privy Council held its sittings and tortured its victims." Having refused to satisfy his examiners regarding his knowledge of, or engagement in, the plot, his thumbs were put into a pair of screws of new and improved construction. The public executioner was the operator, and he applied the screw with such force as to cause the cold sweat of agony to stream over the sufferer's brow and down his cheeks. Turn after turn of the screw first splintered and then squeezed the bones to pieces, bringing Carstares to the verge of swoon-

ing, but failing to shake his resolution. When upwards of an hour had been spent in this way, the executioner was ordered to produce the iron boots and apply them to the legs, the thumbs being meanwhile held fast in the steel stocks. The tortured man was only spared this aggravation of suffering through the inability of the hangman—a bungling novice in the art of torturing—to adjust the boot and the leg and the wedge. A few extra turns of the screw was all he could think of, and these were given so forcibly that, when ordered to remove the instruments, he found it beyond his strength to do so, and required to call in the services of a locksmith. Before being sent back to the Tolbooth, with broken joints and mangled thumbs, to toss all night in a high fever, the obstinate witness was informed that, should his obstinacy continue unbroken, he would be tortured with the boot by a skilled operator next morning at nine o'clock." [1]

Professor Story chronicles the interesting fact that after the Revolution the thumbkins were presented by the Privy Council to Carstares, and that they are now in the possession of Mr

[1] "State Papers and Letters of Carstares, with Life," by M'Cormick. 1774.

Graham Dunlop of Gairbraid. The same biographer relates the following incident of King William. On one occasion he expressed a desire to see them, and to try them on. They were accordingly fastened on the royal thumbs, and Carstares gave the screw a courtier-like turn. "Harder," said the king, and another was given. "Again," and Carstares turned the screw pretty sharply. "Stop, doctor, stop," cried William, "another turn would make me confess anything."[1]

Carstares was only spared being further practised upon by yielding to friendly persuasions to compromise matters with the Privy Council.

Third. Fines and exactions, demands and burdens were inflicted upon families and persons, lucrative to those who imposed them, but grievous to all others, and ruinous to many. In order to force the people of Scotland to attend Episcopalian ministrations, a roll of communicants in each parish was made up. After sermon—"short and dry enough," says Wodrow—the officiating curate called the roll from the pulpit. Next day a list of absentees was given to the military in the district. Fines required

[1] "William Carstares: a Character and Career," by Robert Herbert Story. 1874.

to be paid immediately, otherwise the house was quartered upon till everything was eaten up or the fine paid.

In order to prevent the people straying to other than prelatic places of worship, it was no uncommon thing for a party of soldiers to resort to a public-house on the Lord's day. There they sat and drank till the service was nearly over, then they took up their position at the church door, and obliged the worshippers to come out in Indian file. Each as he passed out was asked to say upon oath whether he belonged to that congregation. All who answered in the negative were immediately fined. If sufficient money was not forthcoming, then articles of property were taken—men's coats, women's plaids, and even Bibles. Sometimes the military interference was carried to a still greater height. Divine service was interrupted by the entrance of a military force, the doors being guarded to prevent escape, and then those who would not swear they belonged to the parish were either rifled of all valuables or carried off to prison.

For specific instances of oppression, reference may be made to the doings of Sir James Turner and the Highland Host. Under that rough and rapacious soldier troops had been despatched

to the Stewartry of Kirkcudbright in order to exact fines and quarter soldiers upon obdurate absentees. The leader and his men so rode upon the top of their commission that in 1668 it was found necessary to institute an investigation into their conduct. The committee charged with the matter reported evidence given upon oath testifying to illegal exactions, excessive fines, and outrages committed. The formidable indictment contained no fewer than twenty-one counts, and these range over a wide field of oppression—quartering of soldiers unjustly, exacting quartering money for double the number of soldiers actually present, fining for entire years preceding his coming to the country, fining fathers for daughters who had children baptized by outed ministers, fining in whole parishes promiscuously, as well those that lived orderly as those that did not, fining one that lay a year bedfast, and taking away cattle.[1]

It is some comfort to know that, on the report and recommendation to his Majesty's Privy Council, Sir James was dismissed the service; but what an amount of ill-usage, oppression, and loss do the details of that report cover, confined,

[1] The report anent Sir James Turner is given at length by Wodrow, vol. iii., book ii., chap. iii., p. 101.

be it remembered, to one small district in the south of Scotland!

All ordinary measures taken to suppress conventicles, and to secure the attendance of parishioners upon Episcopalian services in the parish church, having failed, Charles II., moved by that "tender care" which he claimed to "have always had of this ancient kingdom," had recourse to a special one. This was raising the Highlanders, and forming them into what is known in history as the "Highland Host," furnishing them with stores of ammunition and four field-pieces, and then letting them loose upon those districts in the west and south of Scotland, where those "nurseries of rebellion," as the conventicles were stigmatised in official documents, were most numerous. The numerical strength of the force thus called forth has been variously estimated, the highest estimate being ten and the lowest being six thousand. In marching from place to place and from shire to shire, the leaders of the force were authorised to take free quarter, to force it when refused, to seize, if need be, on horses for carrying the sick, ammunition, and provisions, and to rely upon indemnity from all civil and criminal consequences that might arise from killing, wounding, and apprehending or imprisoning in the execution

of their commission. That commission was two-fold. First, to disarm those living in the disaffected districts, requiring them to deliver up all arms, swords, and pistols; second, to force the disarmed to subscribe a bond for themselves, their wives, children, servants, cottars, and tenants, binding them not to attend conventicles, and not to reset, supply, or commune with forfeited persons, intercommuned ministers, vagrant preachers, but "to apprehend any persons guilty thereof, and present them to the judge ordinary, that they may be fined or imprisoned." What the host of Highland caterans were looking forward to, and how they prepared themselves for the work they hand on hand, can be gathered from the fact that when they arrived on the scene of the action, they brought with them a quantity of spades, shovels, and pick-axes to aid them in searching for concealed treasure, a large store of iron-shackles for those whom they might arrest, and a supply of thumbkins to aid the work of examination. How they employed the time at their disposal, happily a matter of three months, can best be realised from plain, honest Wodrow's description of their return when ordered home. "One would have thought," he writes, "they had been at the sacking of

some besieged town, by their baggage and luggage. They were loaded with spoil; they carried away a great many horses, and no small quantity of goods out of merchants' shops, whole webs of linen and woollen cloth, some silver plate bearing the names and arms of gentlemen. You would have seen them with loads of bed clothes, carpets, men and women's wearing clothes, pots, pans, gridirons, shoes, and other furniture, whereof they had pillaged the country; and two of their colonels, Airly and Strathmore, are said to have sent home great sums of money, which could not all be the produce of their pay; and no great wonder, when, from one country parish by calculation it was found that, one way and another, a thousand pounds sterling had been enacted and got."[1] Terrible as must have been the provocation created by such pillaging and fleecing as these details imply, history can only tell of one Highlander who lost his life, when attempting to deprive quiet and industrious lowlanders of their living.

Fourth. For non-conformity to the royal will in the matter of religion, God-fearing men were banished, some were transported as convicts, and

[1] Wodrow's History, vol. ii., chap. xiii., sec. ii., pp. 412, 413.

some were sold as slaves. In 1671 Charles II. bought the Bass Rock, at the mouth of the Firth of Forth, and the haunt of sea-fowl, to serve as a prison for ecclesiastical offenders; and on that bleak island some of Scotland's worthiest ministers of the gospel spent months and even years of irksome solitude, suffering physical hardships and spiritual isolation with heroic fortitude. Here Peden, the saint and the seer of covenanting times, was doomed to spend five weary years, and here the amiable and holy Blackader, minister of Troqueer, died of a distemper brought on by confinement in a humid and comfortless prison. In the case of such as were charged with being present at any gathering of covenanting insurgents, the banishment was across the seas, they were transported as felons to Tangiers, to the Barbadoes, or to the plantations of Virginia and Carolina. Not unfrequently the transportation was with a view to the transported being sold into slavery. Thus, in the beginning of 1685, one James Crosbie, living in Nithsdale, for simply refusing to abjure the declaration of the Society men, or extreme Covenanters, had his ears cropped and was then sent to Jamaica and sold as a slave. The barbarous treatment of the prisoners taken at, and

subsequent to, the defeat of the covenanting party at Bothwell is too well-known to require more than a passing notice. After having been confined in the Greyfriars Churchyard for nearly five months, compelled at night to lie down upon the cold ground, shot at by their guards if they so much as raised their heads, robbed of such money and bedding as friends had given them, and even of their clothes and shoes, defrauded by the soldiers of the scanty provision which formed their government allowance, two hundred and fifty-seven of these sufferers were, early in the morning of the 15th of November 1679, taken out of their cattle-shed prison and put on board a ship in Leith Roads for exportation to the plantations of America. The horrors of a South African slaver were experienced from the outset of the voyage —the horrors and sufferings of being stowed away under deck, of suffocation in a poisoned atmosphere, of being pinned so close as to render lying down on the part of all an impossibility, of insufficient food and drink, and of inhuman cruelty on the part of the seamen. Happily for the greater number these revolting sufferings were destined to be of short continuance. On the night of the 27th November this Scottish

slaver dragged her anchor, and was driven upon the rocks of the Orkney coast. All the crew got easily and safely to shore, but of the prisoners some 200 were drowned, the captain having before leaving closed down the hatches with chain and lock, no heed being paid to the cries of the drowning men to have them opened. Those who escaped a watery grave by clinging to the boards of the ship when it broke up, did so only to find themselves ultimately slaves in the American plantations, labouring under a burning sun, in pestilential rice and cotton swamps, and swelling the gangs of African negroes. The transporting and selling Covenanters developed a profitable line of business for some who engaged in it, as appears from a transaction in 1684 in which two brothers of the name of Gibson figured. They were freighting a ship to Carolina, of which one of them was captain, and they had thirty-two Covenanters given them by government to be disposed of among the plantations. The treatment of these thirty-two on the voyage was as barbarous as that of the 257 men of Bothwell. On landing two of the prisoners attempted to escape, but being caught they were "beaten eight times every day, and condemned to perpetual servi-

tude." Of the rest, the greater number died in the Carolina plantations, not more than half-a-dozen returning to their native land.[1] The calculation has been made that at least 260 Scotch Nonconformists to the royal pleasure were transported and sold into slavery; but no one can tell how many or how few of these were released from degrading bondage at the Revolution, and returned to Scotland.

Fifth. Through government violation of rights and liberties, prelatic keenness and intolerance, and military outrage and cruelty, men were driven to do what was unjustifiable, and to take up positions of doubtful expediency.

In the clear noon light of a July day in 1668 an attempt was made upon the life of Archbishop Sharp. As he was coming from his rooms in the Black Friar's Wynd of Edinburgh, and stepping into his carriage, a pistol containing a brace of bullets was fired at him. The life that shot was intended to take was saved by the intervention of the figure of Honeyman, Bishop of Orkney, who had his arm shattered by one of the balls.

[1] Wodrow, vol. iv., book iii., chap. viii., pp. 10, 11. Wodrow tells the story of Elizabeth Linning, "yet alive," whom Captain Gibson illegally took with him on that voyage and attempted to sell, but whom a council held at Charleston, in Oct. 1684, ordered to "be set at liberty as a free woman."

The treatment of the would-be assassin, James Mitchell by name, when he was identified and brought to trial, eight years afterwards, was disgraceful in the extreme, such personages as the Duke of Rothes, the Duke of Lauderdale, and the Archbishop himself, not hesitating to prevaricate and perjure themselves when they appeared in the witness-box.[1]

But their conduct must not warp our judgment or diminish our abhorrence of the crime of Mitchell, who at his trial confessed that when he hit the Bishop he aimed at the Archbishop, and who for so doing was struck in the boot of pain till he became insensible, and was executed in the Grassmarket, January 1678.

Eighteen months passed, and then another and a darker crime was committed than that for which Mitchell suffered death; and on this occasion James Sharp fell a victim to the indignation his betrayal of Presbyterianism, and the hatred his conduct towards those who refused to be coerced into Episcopacy, had aroused all over Scotland. On the 4th of May 1679, when driving over Magus Moor, some two miles from

[1] No historian writes in terms of stronger condemnation of the degradation these "illustrious persons" brought upon themselves by their "crooked prevarication" than does J. Hill Burton, vol. vii., chap. lxxix., pp. 202 (?)—207.

St Andrews, he was overtaken by a band of armed horsemen, who fired volley after volley into the carriage, hoping thus to despatch the prelate as he clung to the side of his screaming daughter, and begged for mercy. What leaden bullets could not effect in the case of one whom superstition suspected of living in compact with the evil one, the edge of the sword might accomplish, and so the assassins tried to strike him in the carriage. Finally he was dragged out upon the bare heath, making "hideous and terrible shrieks," and after three-quarters of an hour had been spent in cruel stabbing and hacking, the life of the unfortunate man was extinguished. When the historian, John Hill Burton, expresses the hope and belief that at this day no man, sane and intelligent, making himself acquainted with the nature of this deed, will have a word to say in vindication or even in palliation of it, he gives expression to a reasonable hope and a righteous belief. The fact that when they set out on that fatal Saturday morning in May, Hackston of Rathillet, Balfour of Kinloch, and their seven companions were looking for another man altogether, an agent of Sharp, who had rendered himself obnoxious in Fifeshire by ferreting out frequenters of conventicles, and by

the cruelties he inflicted upon all who fell into his hands, and the possibility that had they succeeded in meeting him they would have contented themselves with so frightening him as to rid the country of an immoral and ruthless oppressor—these must not stand even for palliation of what they did further on in the day. The additional facts that only when they were disappointed in their search for Carmichael, and were surprised to learn that the Archbishop's coach was not far from them, did it occur to some of them this was a providential delivering of their arch-enemy into their hands, that one of their leaders (Hackston) endeavoured to dissuade them from their purpose of blood-shedding, and that, after reasoning the matter, they sought direction in prayer—these facts must not blind us to the criminality and cruelty of what they proceeded to do. No heaping of charges upon the head of their victim—charges of treachery, intolerance, and cruelty, can avail to wash the stain of blood from the hands of his murderers. They broke the law of God and of man when they took the law into their own hands and put an untried man to death. While, however, there is not one word to be said in vindication, or even in palliation, of the murder of Sharp, there is

something to be said regarding the measure of responsibility resting upon the king and his government, whose all too pliant tool that ecclesiastic had become. How was it that nine men—some of whom were gentlemen of education, of good families and of social standing—had their moral sense so perverted as to lead them, after reasoning and prayer, to commit murder with a clear conscience? Was it not because the infatuated determination of their civil rulers to override constitutionalism, and to force civil and ecclesiastical despotism upon a people who loved civil and religious liberty as they loved their lives, had driven that people to desperation, and, for the time being, blinded them to the distinction between constitutional and unconstitutional, legal and illegal, measures? If so, then the policy of Charles II. and his representatives in Scotland must be charged with a portion of the blame when the full measure of the responsibility attaching to the murder on Magus Moor comes to be meted out among all the parties concerned.

And this holds good of those risings of the covenanted party in Scotland which took place in 1666 and in 1679.

In November 1666 some 900 "weary and

spent men," who had set out from Galloway, and who at Lanark had renewed the Solemn League and Covenant "with much affection and concern," and "with uplifted hands at every article," might be seen rounding the eastern extremity of the Pentland Hills and taking up position at a place called Rullion Green. Hither General Dalziel had followed on their track with 3000 fresh, well-appointed troops; and here an unequal engagement took place. When the ammunition on both sides was exhausted, "they closed upon the sword point and fought it very stoutly for a good while." [1]

By nightfall the Covenanters were broken and dispersed: the greater number gained the hills under cover of the darkness; fifty lay dead upon the snow; and a hundred were taken prisoners, to be afterwards tortured or hanged in batches of ten, seven, and sixteen, some at Glasgow, some at Edinburgh, and others at Ayr, Irvine, and Dumfries.

On a Sabbath in June 1679 a conventicle gathered on the slope of Loudon Hill, in Lanarkshire, for the safe disposal of which, in the event of the appearance of government troops, upwards of 200 fighting men, forty of whom

[1] Wodrow, vol. ii., book ii., chap. i., p. 30.

were mounted, had posted themselves on rising ground. Graham of Claverhouse and his Life Guards soon made their appearance, when the conventicle broke up, and the armed Covenanters took up position on the farm of Drumclog. For a while the two forces contented themselves with firing on each other across the morass that lay between them; but erelong one party of the militant peasants, availing themselves of their local knowledge, swept round one end of the bog, while another section did the same at the other extremity. Charged impetuously from both sides the Guards became confused and scattered. Claverhouse and most of his men saved themselves by flight, but the bodies of upwards of twenty soldiers were left on the field, while a number were taken prisoners, but their captors having no Bass Rock or churchyard for their accommodation, these were ultimately disarmed and dismissed.

On another Sabbath in that same June of 1679, 5000 Covenanted men crossed the Clyde by Bothwell Bridge and encamped upon what was then Hamilton Moss or Moor. To crush them an army 15,000 strong was brought together and placed under the command of the Duke of Monmouth. Before a shot was fired

some of the less extreme leaders among the insurgents made a statement of their grievances to Monmouth, demanding on their side freedom in three directions—"the free exercise of religion, a free Parliament, and a free General Assembly." They were courteously received, but firmly told terms could not thus be stipulated for by armed men; they must stack their weapons, and abide the exercise of the royal clemency. The clemency of the crown being an utterly unknown quantity in Scotland it was resolved to fight. The Bothwell Bridge of those days had a steep incline stretching from the key-stone to either end with a strong gateway in the centre. The insurgents had only one gun; there was a numerous artillery on Monmouth's side of the deep unfordable river. So long, however, as the Covenanters could keep the barricaded gateway they might hope to maintain a defensive position. This was bravely done by 300 picked men so long as powder and ball lasted. When their supply was exhausted, and no more was forthcoming, they were forced to fall back. Thereupon the Royalists filed along the bridge, and were soon in line and in force on the south or Covenanting bank. A discharge of artillery caused the cavalry to wheel about, and thus

threw the undisciplined and distracted Presbyterians into confusion. A few minutes more and there was a general stampede, followed by a merciless butchery.

Such were the engagements of Rullion Green, of Drumclog, and of Bothwell Bridge. They were not battles, even the last named being in the judgment of the historian scarcely deserving of that description; but they were undoubtedly popular insurrections or armed risings. They were regarded and denounced by the government as acts of rebellion, and, as such, full advantage was taken of them to make short work of those who originated and those who supported or sympathised with them.

Granting the government view to be correct, and that the civilians who fought against the king's troops on the slopes of the Pentlands, at Loudon Hill, and Bothwell Bridge were insurgents, and even rebels, the question formerly put comes up again, Who was responsible for their being so? We answer unhesitatingly, upon their civil rulers must rest a large measure of the responsibility.

The men denounced as guilty of sedition were peaceable, law-abiding, and loyal subjects till they were goaded into opposition, and driven to stand at bay.

This is abundantly evidenced by two declarations emitted by them before the Bothwell engagement. These will be found complete in the pages of Wodrow,[1] and will well repay the thoughtful perusal of every one who desires to be intelligently informed regarding this chapter in our nation's history. We can only refer to them here so far as to state that in the earlier of the declarations the following are stated to be their true reasons for being found in arms:—"First, The defending and securing of the true Protestant religion and Presbyterian government. Second, The preserving and defending the king's majesty's person and authority in the preservation and defence of the true religion and liberties of the kingdom. Third, The obtaining of a free and unlimited Parliament, and of a free General Assembly, in order to the redressing of our grievances, for preventing the danger of Popery, and extirpation of prelacy." The second declaration was the manifesto of the moderate party at Bothwell, speaking in the name of the oppressed Protestants now in arms in Scotland. In this remarkable document they give it as their conviction "that there is a formed and universal plot carried on for subversion of the Protestant

[1] Wodrow's Hist., vol. iii., bk. iii., chap. ii., pp. 94-98.

religion, and for subjecting these lands under the antichristian bondage of Popery, as by secret undermining and murderous practices in England, so by the open introduction of slavery and tyrannical government in Scotland." In addition to the reasons for continuing in arms stated in the earlier declaration, there is this significant one :—"The diverting of the succession from falling in the person of a notorious Popish plotter, which we mean and intend with all due respect to authority, and deference to the royal line." This declaration closes, "protesting always that upon the obtaining of our just and reasonable desires, we are most ready to lay down our arms, and behave ourselves with all submissive obedience towards lawful authority." Is this the language of traitors or rebels? Is it not that of temperate, sober-thinking, peace-loving men, who if found in a position of resistance and armed hostility were so against their inclinations, and solely because of outraged conscience and trampled rights?

But were there not other declarations, it may be asked, which openly inculcated rebellion and disowned all allegiance to Charles and his lawful successors? There were other declarations than those from which we have already quoted, and

with a reference to these we bring this chapter to a close.

In the pocket of Henry Hall, who was taken prisoner at Queensferry on the Firth of Forth, there was found a paper best known in history as the *Queensferry Paper*. It was undated and unsubscribed, although probably the joint-production of Hall and Donald Cargill, and drawn up in May or June 1680. Rude and imperfect in structure, it was evidently the first draught of what was to have been afterwards more fully elaborated. But even in its unfinished form the *Queensferry Paper* is a formidable and remarkable document. It speaks out plainly against the stream of defection of the time that neither minds by-past vows nor intends performance; it enumerates eight purposes actuating the intending subscribers, and rejects the king and those associated with him in the government from being sovereign and rulers, declaring them to be no lawful rulers, and refusing them any willing obedience; and it closes with the avowal of an intention to set up government and governors according to the Word of God, said government not to be that of one single person, this kind of government being most liable to inconvenience,

and aptest to degenerate into tyranny, as sad and long experience hath taught.

The *Queensferry Paper* was followed, after an interval of a week or two, by another, both shorter and stronger. For, on the 22nd June 1680, there was read at the cross of Sanquhar a declaration which has made that small burgh in Dumfriesshire for ever famous. As a copy of the declaration was affixed to the cross, the townspeople could read for themselves leisurely what, probably, they had only imperfectly heard. And when they did so, their eyes lighted upon these, among other statements:—"Although we be for government and governors, such as the Word of God and our Covenant allows, yet we, for ourselves and all that will adhere to us, as the representatives of the true Presbyterian Kirk and covenanted nation of Scotland, considering the great hazard of being under such a sin any longer, do, by these presents, disown Charles Stuart, that has been reigning (or, rather, tyrannising, as we may say) on the throne of Britain these years bygone, as having any right, title to, or interest in the said crown of Scotland. . . . As also, we disown, and by this resent, the reception of the Duke of York, that professed papist, as repugnant to our principles and vows

to the most high God, and as that which is the great, though not alone, just reproach of our Kirk and nation."[1] These are strong statements. By those who are disposed to condemn them as too strong, and even seditious, two things ought to be realised. First, That from the days of Mair and Boyce and Buchanan, it had been a first principle of civil government with Scotsmen that the royal power is derived from the people, with whom it rests to dethrone as well as to appoint a king and his heirs. In Scotland, what Dryden finely describes as that

> "Right supreme
> To make their kings, for kings are made for them,"

was always stoutly contended for as a claim of right. The bearing of the commons towards the crown has been well set forth, so far as Scotland is concerned, in the device and inscription of a coin struck in the reign of James VI., and said to have been borrowed from one executed for the Emperor Trajan. The device is a naked sword supporting a crown on its point; the

[1] Both the *Queensferry Paper* and the *Sanquhar Declaration* are given at length by Wodrow, vol. iii., bk. iii., chap. iv., pp. 207-213. Rude, and involved in structure and style, these documents contain distinctions drawn with masterly precision, and they lay down principles which actuate the constitutional monarchy of Great Britain at this day.

surrounding inscription—PRO . ME . SI . MEREOR . IN . ME. Can any man honestly affirm that, from 1660 to 1685, the crown of Scotland acted in a way that would justify the sword of the people being unsheathed in its defence and support?

Second, That it is difficult to see how any tenable distinction can be drawn between what was denounced as rebellion in 1680 and what became matter of revolution settlement in 1688. Beyond all question, the opinion of Cargill and Hall was the verdict of the majority of Englishmen and Scotsmen eight years after the *Queensferry Paper* was taken out of the pocket of the latter—for that verdict was just this:—"King James VII. . . . hath forfeited the right to the crown, and the throne is become vacant."

CHAPTER III.

THE REVOLUTION.

Accession of James II.—Mass celebrated in Whitehall and Westminster—Scottish Estates—Death for Conventiclers—Increased Persecutions—Expeditions of Argyle and Monmouth—Atrocities consequent upon failure—Attempts of King in favour of Papists—Scotch Indulgences—Doings of James in England—Exercise of Dispensing Power—Ecclesiastical Commission—Attacks upon Oxford and Cambridge—English Indulgences—Trial of the Bishops—Coalition of parties against King—Birth of Prince of Wales—Letter of Seven Patriots to Prince of Orange—His Preparations—His Declarations—His Arrival in England—Blindness and Folly of James—Country declares in favour of William—James deserted—Flight of Royal Family—Arrival of William in London.

FOR any man to take up the reins of government that fell, upon the sixth of February 1685, from the hands of the profligate and perfidious Charles II., would be no easy matter; for his brother James to do so could not fail to be a matter of extreme difficulty. From the outset of his public life, the Duke of York had been distrusted, suspected on too good grounds of leanings towards the creed and worship of Rome. When the Test Act was passed in 1673, he threw off all concealment, avowed himself a

converted Roman Catholic, and resigned his office as Lord High Admiral. The significant fact that his resignation was followed by that of a large number of subordinate officials, military and naval, strengthened the public suspicion that the brothers, Charles and James, were plotting in the interests of catholicism and despotism by gradually transferring the armed force of the nation to the hands of perverts. With all his contemptuous disregard of public opinion, Charles felt obliged to give some heed to the distrust and dislike with which his brother was regarded when he avowed his change of faith; and so sent him first to Brussels, and thereafter to Scotland in the character of Lord High Commissioner. But the simple absence of the object of it could not abate the national antipathy, and the question of the succession was debated with frenzied excitement both within and outside the walls of Westminster. In 1680 a bill for depriving the Duke of York of his right to the crown, and for devolving it upon the next Protestant successor, was laid before the House of Commons. This exclusion bill was carried through all its stages without difficulty, and passed by a large majority. When, however, it came up to the Lords, the royalists combined

with the bishops and rejected the measure. Rejection by lords temporal and spiritual, only intensified the determination of the people to have legislative security against being ruled by a Popish king; and so in the Parliament of 1681, summoned to meet in loyal Oxford, the exclusion bill was reintroduced. Resolved to concede anything but exclusion, and finding the Commons determined to accept nothing short of that, Charles dissolved Parliament, and appealed to the nation.

The result of that appeal was a temporary triumph for the king, and a permanent gain to his brother, whose accession to the throne was no longer to be endangered by Parliamentary opposition. Had the country party stood an unbroken force for Puritanism and Protestantism it might have been otherwise. An exclusion measure might have been carried in spite of mortified king, sycophant ministers, and pliant bishops; and exclusion carried in 1680 there need have been no revolution in 1688. Unhappily the country party did not maintain its unity. Its brilliant leader, Shaftesbury—the Ashley Cooper of earlier days, and the Ahithophel of Dryden's satire—embarked on an enterprise fatal to himself and

hurtful to the interests with which he had been identified.[1]

Baffled in his attempts at exclusion, this shifty statesman divided his party by proclaiming himself favourable to the claims of the Duke of Monmouth, eldest of the king's bastard children. Charles was not slow to mark the breach this movement made in the ranks of the Whig or Puritan party, and to press to the utmost the advantage which it gave him. Shaftesbury, dismissed, disgraced, deserted, died a fugitive in Holland; the Duke of York, who had been occupying and entertaining himself in superintending the torturing of Scottish Covenanters, returned to England, where, in open violation of the Test Act, he was to be seen seated at the Privy Council board of Protestant Britain, and transacting business at the Admiralty Office.

The accession of James to the throne of Great Britain in 1685, was acquiesced in by the Privy Council, and the formality of proclamation, though carried through without

[1] Students of character delineation should compare the two portraits of Shaftesbury that have come from the pens of two master limners—Samuel Butler and John Dryden; the one to be found in the "Dunciad," and the other in "Absalom and Ahithophel." Lord Macaulay has cited the most effective lines from both in his essay upon Sir William Temple, but the passages should be read in their context settings.

any manifestation of popular enthusiasm, did not evoke opposition. As in his opening speech to the Privy Councillors, intimation was made of the royal resolution to maintain the established government in the State, and to support and defend the Church of England. Court preachers took it upon them to tell their hearers: "We have now for our Church the word of a king, and of a king who was never worse than his word."

What that word was worth when it came from James II. must have been a painful question for observant Protestants when they saw the king at mass in the palace of Whitehall. Hitherto, that rite had been celebrated in a small oratory fitted up for the queen, the doors being carefully closed during celebration; now the doors were ostentatiously thrown open, that all in the ante-chamber might witness the elevation of the host. When Passion week came, arrangements were made for the rites of the Church of Rome being performed on a scale of surpassing splendour. On Easter Sunday the king was escorted to the place in Westminster where he was to hear mass by a long train of lords and civic dignitaries, the Guards lining the passage, Knights of the Garter displaying their

insignia, and the second in rank among the nobles of the realm carrying the sword of State. Did it occur to any who took part in that glittering pageant and idolatrous service, that more than a hundred years had elapsed since such rites had been performed in that venerable building? Possibly not; and even if it had, the significance of the fact might not have had any appreciable effect in diminishing that blind, delusive confidence with which the newly crowned king was being regarded.

When it came to be a matter, not of pageantry and Church service, but of legislative measures and coercive policy, James, like his brother before him, selected Scotland as the sphere of operation.

Before the Parliament of England met, the Scottish Estates had received and answered a letter, dated from Whitehall, the 28th day of March 1685, in which "James R.," addressing his Lords and Gentlemen, expressed himself desirous to call them, in the beginning of his reign, to give them an opportunity, not only of showing their duty to their sovereign, but likewise of being exemplary to others in their demonstration of affection and compliance with his desires, as they had been most eminently in

times past, to a degree never to be forgotten by him, nor, he hoped, to be contradicted by their practice in the future.

The royal missive goes on to express the resolution to maintain the royal power in its greatest lustre, "to the end we may be the more enabled to defend and protect the religion established by law, and your rights and properties," these having been endangered by certain parties, who are described as "murderers and assassins, wild and inhuman traitors," with no fear of God, and no honour for kings before their eyes. The Scottish Estates, composed exclusively of courtiers and Episcopalians, proved as dutiful, not to say obsequious, as even James could desire. In the reply to his "sacred Majesty," assurance was given that nothing would be left undone "for extirpating all fanaticism, but especially those fanatical murderers and assassins, and for detecting and punishing the late conspirators." As evidence of sincerity and earnestness in the matter of extirpation, this gathering of unmanly and unhonoured Scots did, on the 8th of May 1685, pass an Act "against preachers at conventicles and hearers at field conventicles" to this effect: "Our Sovereign Lord, considering

the obstinacy of the fanatical party, who, notwithstanding of all the laws made against them formerly, persevere to keep house and field conventicles, which are the nurseries and rendezvouses of rebellion, therefore his Majesty, with consent of the Estates of Parliament, doth statute and ordain that all such as shall hereafter preach at such fanatical house or field conventicles, as also such as shall be present, as hearers, at field conventicles, shall be punished with death and confiscation of goods." Well has it been written of this infamous decree that it stands forth, even among the statutes of our unhappy country at that unhappy period, pre-eminent in atrocity.[1] And Scotland speedily learned that, neither by Popish king nor by persecuting prelates, would the bloody statute, once framed, be allowed to remain inoperative. The burning fiery furnace of the killing time in Scotland was heated seven times more than it was wont to be heated so soon as a Papist

[1] Macaulay's Hist., chap. iv. The king's letter, the reply, and the act are all given in full by Wodrow, vol. iv., bk. iii., chap. ix., sec. viii. The fact mentioned by the historian that those documents were first printed in London and reprinted in Edinburgh confirms the suspicion, which a perusal of them is certain to create, that they *all* emanated from Whitehall, and only came to Edinburgh to receive the Chancellor's signature.

reigned in Scotland. The oppressions of heavy finings, enriching unprincipled courtiers and informers, and of quarterings of brutal dragoons, who outraged women and wantonly destroyed what they and their horses could not consume; the cruelties of torture by boot and thumbkins, of houses unroofed and furniture carried away, of banishment as convicts and of transportation to the plantations as slaves; the shooting, hanging, and drowning of men and women, lads and maidens, without a trial and without preparation, simply because they were found with a Bible in their pockets, or refused to pray for the king to declare the rising at Bothwell to be insurrection, or to attend Episcopalian service—all these atrocities were carried on in the year of James's accession with truly fiendish intenseness of hate and fury.

Just at this time an ill-advised and ill-fated movement gave officials of the Crown in Scotland ample opportunity for displaying loyal zeal against so-called fanatics and traitors. Among the many whom the wretched and wearing misrule of Charles and James had driven to the Continent was a group of Scotsmen. Sir Patrick Hume of Polwarth, Berwickshire; Sir John Cochrane, a scion of the Dundonald family;

Andrew Fletcher of Saltoun, were leaders who acknowledged a greater countryman as their commander. This was Archibald, ninth Earl of Argyle, chief of the Campbell clan, and the MacCallum More of the Highlands. Son of that Marquis who fell a victim to Stuart jealousy at the Restoration, the Earl had for years led a troubled life, but when the Duke of York came to Scotland as Commissioner his wanderings and troubles seemed near an end, for he was accused of treason, convicted, and sentenced to death, on grounds which an English statesman ventured to tell the Commissioner's brother, would in that part of the kingdom not be regarded as sufficient to warrant the hanging of a dog.[1] But Argyle made good his escape, first to England, and then to Friesland, where for a time he communicated and corresponded with those who favoured an invasion of Scotland. The discovery of the Rye House Plot in 1683 caused the plottings to be

[1] If Burnet can be relied upon, the relevancy of the libel was disposed of in a scandalous manner. It came before five judges, one of whom was deaf and so old that he could not sit out the debate, but went home to bed. The remaining four were two against two. The deaf old senator of justice was brought out of home and bed, and gave his vote against Argyle. Little wonder Burnet says none was more universally cried out against than this sentence. "All people spoke of it and of the Duke, who drove it on with horror."—"Hist. of Own Times," book iii., p. 343.

suspended for a time, but they were resumed so soon as it became known that James was on the throne. As the result of consultations at Amsterdam, where both English and Scotch fugitives assembled, two invasions were resolved upon: one of Scotland, under the command of Argyle, the other of England, with the Duke of Monmouth for leader.

For the success of this twofold expedition it boded no good that there were jealousies between the Scots and the English, and dissensions between the Scottish commander and his subordinates. Leaving Holland on the 2nd of May 1685, and sighting the coast of Scotland on the 6th, Argyle unfurled his flag at Campbeltown, and published a manifesto, in which the objects of the expedition were declared to be (1st) the restoring and settling of the true, reformed Protestant religion, (2nd) the suppression and perpetual exclusion of anti-Christian Popery, as also its most bitter root and offspring prelacy, and (3rd) the restoring of all men to their just rights and liberties.[1] The response was not encouraging. Clansmen, no doubt, drew round their chief—

[1] "Declaration of the Earl of Argyle, with the Noblemen, Gentlemen, &c., 1685," Wodrow, vol. iv., chap. iii., sec. ix. pp. 286-290.

"What time the warning note was keenly wound,
What time aloft their kindred banner flew,
While clamorous war-pipes yelled the gathering sound,
And while the fiery-cross glanced like a meteor round."

But no Highland noblemen or chieftains came to the standard; no supporters put in an appearance from the western lowlands. Time was lost, energy was dissipated in differences between the Commander and his English Commissioners; the little army, the strength of which lay in united and prompt action, was broken up, and one part of the force sailed to invade the lowlands, and, if possible, raise the population on the south of the Clyde, while the other part remained in the Highlands. That plan of operations proving a failure, it only remained to march southwards and make a bold attempt upon Glasgow.

Argyle marched his thinned forces into Dumbartonshire, and there found himself face to face with the Government troops. Of the two proposals—attack the enemy, or give him the slip—the latter was, contrary to the judgment of the leader, the one adopted.

By leaving the watch fires burning and decamping under cover of night, it might be possible to steal through the hostile lines and reach Glasgow unobstructed. But here, also,

there was disaster resulting in failure. Not long after the march began the guides lost the track and led the troops into boggy ground. This naturally gave rise to a suspicion of betrayal, which spread panic through the disordered ranks, and led to a general stampede. Next morning the luckless leader found his force reduced to 500 dispirited fugitives. There was nothing for it now but to break up, and for chiefs and clansmen to find what safety they could in flight and concealment. The attempt to cloak his identity under the guise of a rustic failed to avert detection from Argyle, who was taken prisoner on the 17th of June 1685, sent to Edinburgh, and there executed.

It fared no better with the English than with the Scotch expedition. Monmouth arrived in England early in June, and immediately upon doing so issued his declaration, containing some just charges, although expressed in exaggerated language, but also abounding in charges bearing upon the face of them to be unwarranted.[1]

Mixed up with such ridiculous charges against James as the burning of London, the murdering

[1] Burnet characterises the manifesto as "long and ill-penned, full of much black and dull malice." He attributes the composition of it to Ferguson the plotter, and Macaulay concurs in this ascription.

of Godfrey, and the poisoning of the late king, were the accusations of conspiracy against the reformed religion and the rights of the people, and the affirmation that the king's religion rendered him unfit to wear the British crown—charges the king would not find it so easy to refute as the assertion that Monmouth was the legitimate son of Charles II., and as such rightful heir to the throne. At first the insurgent cause seemed to gain daily in popularity, but, just as in the case of the ill-planned expedition of Argyle, while the common people flocked to the blue flag, there was a conspicuous absence of the nobility and gentry of the western counties. Any prospect of Monmouth commending himself to men of influence and position was for ever blighted by what was done at Taunton. On reaching that southern town of Whig politics and Presbyterian polity the insurgent leader met with a most flattering reception. The streets were gaily decorated, the badge of the green bough was worn by every one that thronged them, twenty of Taunton's fairest girls met the hero of the hour in procession and made offer to him of a flag on which emblems of royalty were embroidered, a drawn sword, and a pocket Bible. Intoxicated with this demonstration of popu-

larity, and, yielding to the sinister advice of Ferguson, Monmouth caused himself to be proclaimed king in the market-place of Taunton, and this was followed up by proclamations setting a price on the head of the usurping James, pronouncing the two houses of Parliament seditious assemblies if they failed to disperse within ten days, and ordering the customs and excise to be levied for his service.[1]

From that hour Monmouth's fate was sealed. The fate of his expedition was determined, on the 6th of July 1685, upon the morass called Sedgemoor. An attempt on the part of the insurgents to surprise the royal forces that had been sent to oppose them failed through ignorance of the existence of one of three broad ditches, locally called "rhines," which covered the royal encampment, and the ill-armed, ill-trained miners and ploughmen of Somersetshire were no match for the Life Guards, the Blues, the Foot Guards, and other disciplined troops when it came to be a conflict on an open field in broad daylight. Monmouth's cavalry broke, his waggoners in charge of the ammunition fled, and, after standing bravely to their arms, though

[1] Lingard's "History of England," vol. xiv., chap. i., p. 53.

hese were in many cases only scythes, the foot were cut down.

The leader, devotion to whom led to more than a thousand men selling their lives dearly that day, before their corpses strewed the moor, had, rather early in the day, sought safety in flight. But flight, disguise, and lurking in a ditch were all in vain. Monmouth was trapped, dispatched to London, and brought to the scaffold nine days after the battle of Sedgemoor, "the last fight deserving the name of battle that has been fought on English soil."[1]

The page of English history which records what was done after the failure of Monmouth's expedition, in order to stamp out rebellion and punish the rebels, cannot be read without deepest pain and shame. It humiliates and saddens every true Englishman to read of the atrocities of Colonel Kirke and his soldiers, of the brutalities of Jeffreys when presiding over the "Bloody Assizes," of the trafficking in pardons for members of their own sex on the part of maids of honour, and of the selling in foreign slave markets the sinews and muscles of freeborn men on the part of the queen. But to humiliation and sadness there is added burning indig-

[1] Macaulay, "History of England," vol. i., chap. v.

nation when it is known that these butcherings and barterings of his subjects yielded nothing but pleasure to the king, who was wont to call the Bloody Assizes "Jeffreys' Campaign,"[1] the revolting particulars of which he related with zest to foreign ministers in his drawing-room and to guests seated at his dinner-table.

Not less severe than those taken in England, subsequent to the defeat of Monmouth, were the measures adopted after that of Argyle, to extirpate his supporters and sympathisers in Scotland. In a proclamation issued "against traitors and fugitives," and dated June 24, 1685, there are enumerated "several of that hellish crew not yet taken," and for the apprehension of any of whom, dead or alive, a reward of one thousand merks is offered. The same premium is put upon the head of "every fanatical preacher who was with the said rebels;" and, in order to give the greatest possible publicity to this proclamation, it is not only to be read at the market cross of the head burghs of every shire, but right reverend archbishops and bishops are recommended to cause it to be read from the pulpits by the ministers of the several parishes

[1] The Roman Catholic historian, Lingard, admits this, vol. xiv., chap. i., p. 72.

in their dioceses. Active and summary steps were taken to deal in a wholesale fashion with common offenders. The records of the Privy Council for that fatal year are crowded with hundreds of names of persons condemned to transportation and slavery. Before being put on board for transportation, to secure detection should they attempt to return, multitudes were mutilated and branded like cattle. The men of the slave gangs had one or both of their ears cropt, while the women were branded on the cheek with a burning iron, the operation being carried out by the common hangman.

When Government officials got tidings of the Argyle expedition they deemed it desirable to remove all prisoners for religion from the overcrowded jails of Edinburgh to a remote and solitary stronghold. Dunottar Castle, near Stonehaven, on the east coast of Scotland was selected. To this place 167 Presbyterian nonconformists were driven on foot through Fifeshire and along the Angus coast, most of them with their hands tied behind their backs with small cords, all of them huddled together at night in narrow tolbooths, or penned like cattle upon bridges, exposed to wind and rain. Arrived at their lonesome prison they were shut into an

underground vault, ankle-deep in mire and filth, with but one window looking out upon the waste of waters. In this Scottish Black Hole, without regard to sanitary considerations, denied the barest accommodation for sitting during the day or lying down at night, with no nourishment provided but what they could pay for, including the water they drank, the greater number of these sufferers for conscience sake were doomed to live through an entire summer. A little mitigation of suffering was experienced when some of the prisoners were removed to a smaller vault, and the females were separated and confined in two rooms by themselves. That life in the large vault was still one of well-nigh unendurable suffering, was proved by the frantic effort twenty-five immured in it made to escape from its horrors. Forcing their way through the one window they crept along the precipitous rocks, under cover of night darkness and at the imminent peril of falling into the sea beneath. Ten made their escape, but fifteen were recaptured. For these there were in store not only beatings and bruisings, but a torture such as one might have hoped only wild Indians would have inflicted upon their victims. Stretched upon their backs the hands of the

fugitives were bound tightly to a form in the guard-room, and a lighted match inserted between the fingers of both hands. For three hours this excruciating torture was inflicted without respite, six soldiers taking it in turns to watch each sufferer and blow upon the matches when they began to burn low.

Disaster having overtaken the Argyle expedition, the Council resolved to rid themselves of the responsibility and trouble involved in having the Dunottar nonconformists upon their hands by sending them off to the plantations. A bargain was accordingly struck with George Scott, laird of Pitlochy, to whom seventy-two prisoners, including several women, were made over for shipment and sale. Fever breaking out soon after the voyage began, many, both of the passengers and the prisoners, died at sea, it being no uncommon thing to cast three or four dead bodies overboard in one day. After a voyage of fifteen weeks, which were weeks of privation of air, of food, and of drink, as well as of barbarous treatment, the survivors landed at New Jersey, where better days dawned upon them, and some were spared to return to Scotland, when it was no longer a crime to worship God in the open air, and no longer death if one

denied the supremacy of a Stuart in Church and State. Before passing from the failure of the Monmouth and Argyle invasions, it may be noted how James recorded his triumph over these insurgents. He caused two medals to be struck for the occasion, which bore on one side two severed heads, on the other two headless trunks. There are few surely who will not agree with Sir Walter Scott in regarding this as "a device as inhuman as the proceedings by which these advantages had been followed up, and as the royal vengeance which had been so unsparingly executed."[1]

With Parliaments so pliant as those of England and Scotland had proved themselves to be, it naturally occurred to James that matters might be carried a stage further, and legal toleration and recognition obtained for other Papists than himself. On this occasion also the initiative was taken in Scotland. When the Scottish Parliament of 1686 met, a letter from the king was read. In the royal missive intimation was made of an intention to extend "full and ample indemnity for all crimes committed against our royal person and authority." This general state-

[1] The "Tales of a Grandfather," vol. ii., chap. liii., p. 639. New edition, 1888.

ment is followed up with a very special application to a certain class of subjects, even "our innocent subjects, those of the Roman[1] Catholic religion. As those who have been always assistants to the Crown, in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named, they are heartily recommended to the protection and security of other subjects, that they may no longer continue under obligations which their religion cannot admit of." So writes one who desires to be regarded as "an indulgent father to all." In his speech, when laying the royal letter on the table, the king's "right trusty and right entirely beloved cousin and counsellor," Alexander, Earl of Murray—a convert to the king's religion—makes effusive reference to what his master as "a tender-hearted and compassionate father" has instructed him to carry through, even "his full and ample indemnity, with some necessary and reasonable exceptions, for all past crimes and misdemeanours whatsoever." From this the crafty cousin passes, as did his sovereign, to "some

[1] This designating of his co-religionists *Roman* Catholics is striking, considering how careful nowadays those of that Church are to style themselves simply "Catholics."

of his good subjects of the Roman Catholic religion," for whom he desires "ease and security," and he breathes the conviction that he will return to "the best, the incomparable, and most heroic prince in the world" with an expression of "their ready and cheerful compliance with his royal desire and inclinations."

The answer of Parliament to kingly letter and courtly speech is cautiously and skilfully worded. It is hoped that his majesty's clemency, as testified in the offer of an indemnity, will convince all subjects how happy they are under such a government, and reclaim them from bearing any further enmity to it. "As to that part of your majesty's letter," the reply goes on to state, "relating to your subjects of the Roman Catholic religion, we shall, in obedience to your majesty's command, and with tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths as our consciences will allow, not doubting that your majesty will be careful to secure the Protestant religion established by law."[1] The hesitancy displayed in this reply was regarded by the imperious king as so much of "unreasonable

[1] The letter, the speech, and the reply will all be found in Wodrow, vol. iv., book iii., chap. x., sec. ii.

scruples" to be overcome, partly by firmness on his part, partly by changes in the governing body, displacing staunch Protestants, and filling the vacant posts with Papists of suspiciously recent conversion. Accordingly, when it was deemed that the Privy Council had been sufficiently altered to receive in a becoming spirit such a communication, a letter came from Windsor, dated August 21, 1686, explaining to the royal correspondent's own satisfaction how Parliament had "scrupled their consent" to the ease their sovereign intended to give "innocent Catholics," and reiterating the resolve "to protect our Catholic subjects against all the insults of their enemies and severity of the laws made against them heretofore," and also "to allow to them the free private exercise of their religion in houses, as under our royal protection."

As a practical evidence of royal favour and patronage bestowed upon the hitherto illegal worship, the letter goes on to make this important statement:—"And to the end the Catholic worship may with the more decency and security be exercised at Edinburgh, we have thought fit to establish our chapel within our palace of Holyrood-house, and to appoint a number of

chaplains and others, whom we authorise and require you to have in your most special protection and care, as persons whom we are resolved to maintain in their just rights and privileges, and to secure under our royal protection."

This was followed up in February 1687 by a royal letter and proclamation in which the assertion of "royal rights and prerogatives," and of a determination to maintain these becomes bolder and firmer. In these manifestos various ecclesiastical bodies are dealt with, and that with varying degrees of indulgence or severity. *First*—Moderate Presbyterians. These are to be tolerated to meet, not in meeting-houses, outhouses, or barns, but only in their private houses to hear indulged ministers, provided nothing be said or done seditious or treasonable. *Second*—Field Conventiclers. These must be prosecuted and rooted out according to the utmost severity of the laws made for their extirpation. *Third*—Quakers. These are to be tolerated to meet and exercise in their form in any place or places appointed for their worship. *Fourth*—Roman Catholics. All laws or acts of Parliament, customs, or constitutions made against them are, by "sovereign authority, prerogative royal, and

absolute power," suspended, so as to render such subjects as free in all respects as any Protestant subject whatsoever, not only to exercise their religion, but to enjoy all offices and benefices which the king may think fit to bestow upon them in all time coming. In the proclamation ordered by the Privy Council to be published at the Cross of Edinburgh, on February 18, 1687, with a view to giving effect to the foregoing, all existing oaths incapacitating from holding office are, by royal authority, abrogated, and all the laws enjoining oaths and tests passed in the reign of Charles II. are rescinded. In the room of these is substituted an oath of allegiance, in which the person taking it swears that it is unlawful for subjects, on any pretence or for any cause whatsoever, to rise in arms against "James VII., King of Scotland, England, France, and Ireland," and vows never so to do, but to the utmost of his power assist, defend, and maintain him, his heirs, and lawful successors in the exercise of their absolute power and authority.

This proclamation came to be known in Scotland as "the first indulgence." It was followed by a second, set forth in a letter from Whitehall, dated 31st of March 1687, in which it is provided that if Presbyterian preachers

scruple to take the oath contained in the previous proclamation, indulgence is to be granted them without any oath. Act the second was followed by a third, read in Council, and published in July of the same year. In this act of indulgence "all penal and sanguinary laws made against any for nonconformity to the religion established by law" are, "by our sovereign authority, prerogative royal, and absolute power," suspended; leave is given to "all loving subjects to meet and serve God after their own way and manner, be it in private houses, chapels, or places purposely hired or built for that use; but meetings in the open fields are strictly prohibited," all laws and acts of Parliament against such being declared to be left "in full force and vigour."

That these indulgences brought a certain measure of toleration, and held out the prospect of religious liberty, lies on the surface of the matter. They were taken advantage of by a large number of Presbyterian ministers, some of whom were in prison, some in exile, and others of them in concealment. Only the irreconcilables, in the persons of the successors of Cargill and Cameron and the associates of Renwick, refused to avail themselves of toleration proffered on such terms.

In order to form a correct estimate of the measure, several things require to be kept in view. *First,* In extending toleration to his Scottish subjects, James did so, not as a matter of constitutional right, but solely in the exercise of what he was careful to style "our sovereign authority, prerogative royal, and absolute power." His claim was plainly *ultra vires;* what was given in the exercise of such absolute power might at any moment, when it pleased the king to exercise his sovereign authority and prerogative royal, be revoked.

Second, At the very time when indulgence was being ostentatiously displayed in royal letters and proclamations, intolerance was being practised. "Indulgence and Persecution" is the appropriate characterising of the years 1685-88 on the part of a modern historian with no warm sympathies for the persecuted. There were persecutions all through the years of indulgence up to the eve of the Revolution. Fines for nonconformity were still imposed by the military, and cattle seized for the non-payment of cess. Upon the bare suspicion of having been hearers of open-air preaching, men were taken out of bed and lodged in jail, for their maintenance in which and ultimate

release from which they had to pay heavily, only to find upon their return that their houses had been pillaged by military plunderers. Not content with these oppressions, the spirit of intolerance in the period of the indulgences found gratification in the shedding of blood. In the beginning of that year, the close of which witnessed the fall of the Stuart dynasty, the youthful James Renwick was publicly put to death at the Grassmarket of Edinburgh for refusing to own King James VII. to be his king *de jure* no less than *de facto*, for thinking it unlawful for subjects to pay cess to the king, and for telling those who attended his field meetings to come armed, and fight the king's forces should these come against them.

Third, It was universally believed that the professed zeal of the king in the interests of Presbyterian indulgence was in reality zeal to obtain toleration, if not supremacy, for his own Church. As we have seen, his proclamations contain declarations regarding Roman Catholics, and provisions in their interests. It is safe to say that there was not an intelligent man in the Scotland of that day who believed that James cared a rush for religious liberty and rights of conscience, except in so far as he could make

a professed interest in them a ground for relieving his Popish subjects from official disqualifications. And it would be equally safe to affirm that there was not a Protestant subject of James in Scotland who did not entertain a deep distrust of the king's religion, and who did not regard its ascendancy as fatal to liberty alike in Church and State. The fear of the restoration of Romanism, through royal favour being extended to it, amounted in Scotland to a passion, than which, as has been justly asserted, the love of Presbyterianism was not stronger, and admiration of the Covenants was immeasurably weaker.[1]

The popular dislike of Popish worship and practices showed itself unmistakably so soon as it was known that effect had been given to the royal wish for a Popish chapel in Scotland, and that one had been fitted up in the house of the Earl of Perth, in which mass was regularly said. The Edinburgh mob—always a formidable body—rose, sacked, and demolished the chapel, pelted with mud the pervert countess and some of her female friends, and kept the town in a state of panic for a whole night, during which citizens

[1] Prof. Flint in "St Giles' Lectures." First Series. The Covenants.

and students drank confusion to the Papists, while the troops that had been called out were met with a shower of stones.

A still stronger testimony to the wide-spread fear of Romanism prevalent in Scotland, which no number of indulgent proclamations could allay, is to be found in the bearing and conduct of many men of title and position during the short, troubled reign of James II. To the undying disgrace of some Scottish noblemen of the period, it has to be said they sold what religious convictions they had for royal favour and court promotion. It was so with James Drummond, Earl of Perth, the king's chancellor, so, also, with his brother John, Lord Melfort and Secretary of State, and so with Alexander Stuart, Earl of Moray, descendant of the good regent of that name. These men, and others of like stamp, abjured the religion in which they had been brought up so soon as a Popish prince came to the throne, and then professed to be converts to the religion of king and court. There were others, however, whose compliance with royal mandate, extreme as others might regard it, had its limits. When it became evident to them that what the king wished was that the laws against nonconformity should be enforced against Presby-

terians, but relaxed in favour of Romanists, six Scottish ministers of State refused their assent to any relaxation, and were forthwith dismissed from office. One of the six was Sir George Mackenzie, never credited with over-scrupulousness, but who in this matter refused to be the tool of a Popish proselytizing king.

The attitude of resistance thus taken up by a party in the Scottish ministry was one the wisdom and patriotism of which contemporary events in England were fitted to confirm in a startling manner.

For in that part of his kingdom the last of the Stuarts was advancing the interests of Roman Catholicism with a disregard of all constitutional restraints, nothing short of infatuated. He admitted Popish officers into the regiments that were to form his standing army. He dismissed judges who resisted his policy. He received four Catholic peers, along with his confessor, Father Petre, into the Privy Council. A chapel was opened for Popish worship in the palace of St James, and a Jesuit school in the Savoy; monks of various orders—Carmelites, Benedictines, and Franciscans—appeared openly in London, although Acts of Parliament forbidding the exercise of such worship, and the

appearing of such ecclesiastics, remained upon the statute-book of the realm unrepealed. From the Parliament which reassembled after the suppression of the Monmouth revolt the king asked for the repeal of the Test Act of 1673. By a bare majority of one the request was refused in the House of Commons, and in bitter mortification the king prorogued a Parliament which never again met, the proroguing of 1685 being twice enacted in 1686, and followed up by dissolution in 1687. Unable to secure the Parliamentary repeal of the obstructive and obnoxious Act, the arbitrary king of Great Britain determined to set it aside by claiming and exercising a dispensing power which would enable him to give immunity from its penalties. Having packed the bench with his creatures, he got eleven out of twelve of the Judges of the King's Bench to affirm such power to be inherent in him in virtue of the royal prerogatives. Thus legally clothed with the arbitrary power with which he regarded himself as divinely invested, James proceeded to assert it in matters ecclesiastical and academic.

When the bishops of the Anglican Church failed to give effect to his prohibition forbidding their clergy to preach against the king's faith, a

new Ecclesiastical Commission was appointed in the summer of 1686. With the coarsely-minded and coarsely-mannered Jeffreys for president, this court summoned before it the Bishop of London, and when he refused to suspend a rector for preaching a controversial sermon, Compton was himself suspended by this body of purely royal creation.[1]

From inhibiting clergymen exercising spiritual functions, the new High Commission proceeded, early in 1687, to attack the venerable and hitherto most loyal Universities of Oxford and Cambridge. At the latter seat of learning a Benedictine monk, who refused to sign the Articles, presented himself with letters royal recommending him for a degree. The authorities rejected his claim. Thereupon they were summoned before the commission, when one of their number was deprived of his office as vice-chancellor, and suspended from his mastership with its emoluments.

The treatment of Oxford was even more summary and vigorous. This "tranquil and majestic city, so long the stronghold of monarchical principles," was plunged into a state of ferment

[1] "No legal defence could be made for the Ecclesiastical Commission of 1686."—Hallam's "Constitutional Hist. of England," chap. xiv.

by the Romanizing movements of which it was the centre. At one college the dean was a Roman Catholic; another was fast becoming a Popish seminary; in both mass was celebrated daily. Then the undergraduates created disturbances and chanted satirical ditties under the windows of obnoxious officials; an outbreak was only prevented by one of the king's newly raised regiments being quartered in the academic city. When the ferment was at its height, the president of Magdalene College—the wealthiest in the university—died March 1687. To the fellows met to elect a successor, a royal letter was read recommending one Anthony Farmer for the vacant post. A libertine of no ordinary turpitude, this man was disqualified on legal, no less than on moral and religious, grounds. His one qualification in the eyes of the king was that he had turned Papist. Remonstrance was in vain, and when they saw it to be so, the fellows set aside the royal recommendation and elected John Hough, a consistent Protestant, to be their president. For so doing they were cited before the High Commission at Whitehall. By that body the election of Hough was declared void, and although Farmer was dropped, James asserted his prerogative by recommending the

Bishop of Oxford in place of him. He followed up his recommendation by visiting Oxford and calling the fellows of Magdalene into his presence. The treatment they received at the hands of their sovereign was such as might be meted out to refractory schoolboys by an irate master. To their request, proffered on bended knees, that he would look at the petition they had drawn up, the only answer was—"Go home; get you gone; I am king. I will be obeyed. Go to your chapel this instant to elect the bishop. Let those who refuse look to it, for they shall feel the whole weight of my hand." Mediation was tried, but without effect. A special commission, escorted by three troops of cavalry with drawn swords and loaded carbines, deprived Hough of the house and revenues attached to the presidency, and installed Parker, Bishop of Oxford, by proxy, and in the presence of only two Magdalene men. The crowning act of tyranny and high-handed oppression was committed when five-and-twenty fellows, who persisted in refusing to promise obedience, were declared incapable of holding ecclesiastical preferment, or, if laymen, of being admitted to holy orders. If the king can with any propriety be said to have come out of this quarrel with

victory on his side, it was a victory of which, as a Roman Catholic historian rightly judges, "he had no reason to be proud; for it betrayed the hollowness of his pretensions to good faith and sincerity, and earned him the enmity of the great body of the clergy, and of all who were devoted to the interests of the Church."[1]

In his assumption and assertion of absolute power, which would place him above the law and independent of Parliament, the infatuated King of England took yet another downward step. In April 1687, when Parliament was prorogued, he issued his first English Indulgence under the name of "A Declaration for Liberty of Conscience." Not concealing the wish that he could see his subjects members of the Church to which he belonged, but acknowledging this to be an impossibility, he at the outset announced his intention to protect all, whether Protestants or Papists, Churchmen or Puritans, in the free exercise of their religion, while conserving to the Established Church her legal rights. He, accordingly, "by his own sole authority," annulled all persecuting statutes, all penal laws against all sorts of nonconformists; and he gave liberty

[1] Lingard's "Hist. of England," vol. xiv., chap. ii., p. 154.

to Roman Catholics and Protestant dissenters to celebrate Divine worship publicly. By a single stroke of the royal pen all Acts of Parliament imposing a religious test as a qualification for civil or military office were swept away. In the estimate of Anglican churchmen this declaration was regarded as a blow aimed at the Church of England, all the more deadly because in planting the blow the House of Stuart sought alliance with Popery and Puritanism against the old Cavaliers of England. By the great majority of Protestant nonconformists the liberty of conscience manifesto was looked upon with suspicion as a bait to lure their party to destruction. Men of the calibre of John Howe, of the moderation of Richard Baxter, and of the genius of John Bunyan, refused to return thanks for the proffered indulgence, and distrusted the donor of it even when availing themselves of its provisions.[1]

Unmoved by the opposition of churchmen, and the aloofness of dissenters, James republished his proclamation of liberty of conscience

[1] The provisions of this famous document have been admirably characterised by Sir James Mackintosh as "in their own nature so wise and just that they want nothing but lawful authority and pure intention to render them worthy of admiration."—Hist. of Revolution, chap. v., p. 145.

on the 25th of April 1688. In its new form the declaration stated an unalterable resolve to render thenceforth merit and not oaths the qualification for office, and to secure to the subjects of the English crown "freedom of conscience for ever." These subjects were called upon to lay aside all jealousies and animosities, with a view to electing for the next Parliament, which would be summoned for November, such representatives as might aid in the completion of the great work so happily begun. In order to give greater publicity to this manifesto, which was of the nature of an appeal to the country, James resolved upon a step which he thought would have the additional advantage of humiliating the Church of England, which, in reality, brought his own humiliation and downfall within measurable distance. On the 4th of May an order was made in Council enjoining that the declaration should be read on two successive Sundays, at the usual time of Divine service, by the officiating ministers of all the churches and chapels in England; and in order to secure obedience to the order, bishops were commanded to see to the distribution of the declaration among the clergy of their dioceses.

That order had momentous issues. It led

to a petition, drawn up by the Archbishop of Canterbury and signed by six bishops, being presented to the king, in which the proclamation is stated to be founded upon a dispensing power declared illegal in Parliament, which petition was indignantly denounced and rejected by the king as "a standard of rebellion." It led to the order being obeyed in only four of the hundred parish churches in the city and liberties of London. And it led to the trial of the seven subscribers to the petition before a criminal court and for a civil misdemeanour—the most memorable state trial recorded in the British annals, and the event which, with possibly one exception, most accelerated the fall of the Stuarts. Into the details of that prosecution our limits do not permit of our entering;[1] but the issues at stake are capable of being briefly stated. When the prelates were tried the king was virtually on his trial, when they were acquitted he was condemned upon the two points which formed the case for the crown. These were:—

First, The claim of the right of every subject to petition. James wished the petition of

[1] An ample study of the Bishops' Trial can be made from the philosophic analysis in Mackintosh ("History of the Revolution," chap. ix.), and the pictorial description in Macaulay ("History of England," chap. viii.).

the archbishop and his suffragans to be regarded and treated as a libel. The decision of the jury was that, while a libel may be conveyed in the form of a petition, a petition must be proved to be false, malicious and seditious, before it can be declared to be a libel.

Second, The claim of the king to the exercise of dispensing power. The bishops had affirmed in their petition that the power to dispense with oaths and tests, as claimed by the king, had been "often declared illegal in Parliament, and particularly in the years 1662 and 1672, and in the beginning of your majesty's reign." Their counsel at the trial argued in support of that contention, and proved its correctness from the records of the House of Commons. When the jury gave their verdict of Not Guilty, they condemned the king's claim as unconstitutional and his exercise of dispensing power as illegal.

So soon as the jury, after sitting up all night in their endeavour to reach a unanimous decision, brought the accused bishops in Not Guilty, they returned a verdict which, in the words of a contemporary writer, "was so pleasing to the people that it filled Westminster Hall with acclamations, the camp at Hounslow with

loud shouts, and all the land with joy for their lordships' deliverance." [1]

While these were the issues at stake, an effect resulting from the prosecution and the acquittal of the English bishops was not less momentous. This was a coalition of parties up till then antagonistic. In the common danger arising from the encroachments of the Crown, nonconformists sided with and sought to strengthen the hands of churchmen. At the very beginning of the trouble, before the prelates had met at Lambeth to decide upon their line of action, the Presbyterians and Independents of note in London avowed themselves on the side of the Church of England, provided she would stand for constitutional freedom. When the seven episcopal dignitaries were lodged in the Tower, there to await their trial, a deputation of ten nonconformist ministers visited them. Four of the deputation having been sent for and reprimanded by the king, their answer was that "they could not but adhere to the bishops as men constant and firm to the Protestant faith." How churchmen appreciated and reciprocated this patriotism of the dissenters can be gathered

[1] "The History of the Late Great Revolution in England and Scotland; with the causes and means by which it was accomplished," London, 1690.

from the fact that within a month after acquittal Archbishop Sancroft issued a circular letter to the clergy of his province exhorting them to have a tender regard to their brethren, the Protestant dissenters, to visit them, to receive them kindly, to assure them that the bishops of this Church are really and sincerely irreconcilable enemies to the errors, superstitions, idolatries, and tyrannies of the Church of Rome, and finally to invite them to join in daily fervent prayer to the God of peace for a universal and blessed union of all reformed churches at home and abroad against our common enemy.[1]

As with churchmen and dissenters so with the two great political parties in the country—they were ready for combined action. The Tories abandoned their doctrine of passive obedience; the Whigs ceased to dwell upon their grievances, the injustice done them, and the sufferings inflicted upon them by the party in power.

And as with parties so also with all ranks, professions, and occupations; peers of the realm, the

[1] Neal's "Hist. of the Puritans," part v., chap. ii., p. 304. To the above, taken from the eleventh article of the pastoral, the sturdy Puritan historian adds—"Such was the language of the Church in distress."

landed gentry, members of the universities, and inns of court, merchants, shopkeepers, and porters, farmers and labourers, all were firmly knit together, and made up a vast phalanx, under the common appellation of Protestants, to resist the tyranny of one man and to conserve the civil and religious institutions of the country.

The alliance thus brought about was not formed a moment too soon. For when the bishops were in the confinement of the Tower an event took place which was of even greater influence in bringing about the Revolution than their prosecution. On the 10th of June 1688 the queen gave birth to a son. It is hardly possible to conceive of an event fitted to produce greater complication in the situation of affairs, or one that could give rise to greater consternation.

With the birth of a prince, both of whose parents were Roman Catholics, the Protestant succession to the throne of Great Britain was seriously endangered. In the panic such a prospect created the wildest stories were circulated, and a groundless slander was credited. The Jesuits were declared to be in collusion with the king and queen, and an imposture practised. The child, called the Prince of

Wales, had, it was said and believed, no more claim to be regarded as the heir of the British crown than the Duke of Monmouth had to be regarded as the legitimate son and successor of Charles II. With the blindness and obstinacy of his narrow and arrogant nature, the king took no steps to allay the popular ferment, but seemed almost to find pleasure in so arranging matters as to intensify suspicion. And so, alike on the Continent and in Britain, by the Princess Anne, and ultimately by the Prince of Orange, among the classes and the masses, James was regarded as guilty of a heartless and discreditable fraud, which a little openness on his part would have prevented him being charged with, and of which, in the judgment of impartial posterity, he must be held to have been innocent.

In due time the child, whose birth was discredited in every Protestant circle, was publicly baptised in accordance with the rites of the Church of Rome, the Pope's nuncio standing sponsor. Then it was realised by those who essayed to guide popular opinion and action that something more was required to meet the crisis than a vague cry that the alleged Prince of Wales was not born of the queen. Whether that cry was true or false—all the more if it

were true—steps must now be taken to avert the calamity of one born and brought up a Papist succeeding, at no distant date, to a Protestant throne. The conviction was carried into action when, on the day of the acquittal of the bishops (June 30, 1688), a paper was despatched from London to the Hague, and placed in the hands of William Henry, Prince of Orange and Count of Nassau, stadtholder of the republic of the United Provinces. The document bore only seven signatures, but they were such as would justify the recipient in weighing rather than counting them. For the seven subscribers were the Earl of Shrewsbury, bred a Roman Catholic, but a convert to Protestantism; the Earl of Danby, a staunch Tory; the Earl of Devonshire, representative of the old Whigs; Lord Lumley, up till then a supporter of James; Edward Russell, a prominent naval officer; Henry Sidney, brother of Algernon, and a holder of advanced political views; and Compton, the suspended Bishop of London. These "immortal seven," or "seven patriots," as they have been termed, addressed the Dutch prince in terms of great plainness and urgency. They informed him of the prevalent dissatisfaction with the king and government, nineteen-twentieths of

the people being desirous of a change, officers and men in the army being discontented and averse to Popery, while in the navy the feeling was still stronger; they invited him to land in England with troops sufficiently numerous to secure those who should rise in arms from being overpowered at once; and they implored him to take action with the least possible delay. As he had himself remarked, it was "*Aut nunc aut nunquam*," Now or Never. It was to be, Now.

With the unhasting, unresting calm and energy of a great leader, the Protestant champion of Europe set about making his military and naval preparations for a descent upon England. He obtained the sanction of the States-General to his expedition. He secured Frederic, Count of Schomberg, who had been in the service of Louis XIV., and was reputed the greatest general of his day, to be his lieutenant. He enrolled Isaac Dumont de Bostaquet, a distinguished Huguenot soldier, and some fifty of his countrymen, as officers in his dragoon regiments of red and blue.

He surrounded himself with such Englishmen of rank and promise as Charles Gerard, Earl of Macclesfield, a cavalier of the Stuarts; Charles

Paulet, Earl of Wiltshire and heir-apparent of the Winchester marquisate; and Peregrine Osborne, Lord Dunblane, next in succession to the Earldom of Danby. He accepted offers of help made by Scotsmen of daring and sagacity, prominent among whom were Archibald Campbell, stript of everything but the name and the memory of illustrious ancestors; Fletcher of Saltoun; Sir Patrick Hume; Gilbert Burnet, self-constituted champion-in-ordinary of the Revolution; William Carstares, unequalled in the courage of his convictions and the wisdom of his counsel; and Robert Ferguson, whose passion for intrigue and agitation would be held in check by the firm William, as it had not been by the feeble Monmouth.

These things being done, the prince caused two declarations to be drawn up, one for distribution in England and the other in Scotland. The declaration for Englishmen enumerated fifteen particulars in which the laws of England had been violated in matters affecting religion, civil government, and the administration of justice. The more outstanding of these were—(1) the exercise of the dispensing powers; (2) the corrupting and packing of the judicial bench (3) the violation of the test laws by the appoint-

ment of Papists to offices; (4) the arbitrary and illegal measures resorted to for the propagation of the Catholic religion; (5) the establishment and the proceedings of the Court of High Commission; and (6) the suspicion that the Prince of Wales was not born of the queen. After this recital of grievances the manifesto went on to set forth the deep interest both Prince William and the Princess Mary took in the Protestant religion and the Constitution of England, as also the invitation that had been addressed to them by men of all ranks; and it concluded by affirming that in repairing to England William had no thought of conquest, his sole object being to obtain the assembling of a free and legal Parliament, to which he pledged himself to refer all questions.

The other declaration, bearing the same date —10th October 1688—depicts the deplorable state of the kingdom of Scotland, brought about by endeavours to change the constitution of the monarchy regulated by law into a despotic and arbitrary power. It alleges that, contrary to law, Papists are promoted to places of trust, both civil and military; that judges have been turned out of office without just cause; that an absolute power has been claimed and exercised;

and that penal laws excluding all who are not Protestants from positions of public trust have, in the exercise of this absolute power, been abolished. In view of this state of matters the prince feels constrained to espouse the interests of the nation, and do all in his power for the defence of the laws and liberties thereof, for the maintenance of the Protestant religion, and the securing the people in the enjoyment of their just rights.[1]

Many thousand copies of these declarations being printed and shipped for circulation in England and Scotland, and all other preparations having been completed, William set sail from Holland on the 19th of October, the flag floating over the high-built frigate that carried him displaying the arms of Nassau quartered with those of England, and bearing for motto the elliptical one of the House of Orange, "I will

[1] The Scottish declaration is given in full in "The Hist. of the Affaires of Scotland from the Restoration of King Charles II., and of the late great Revolution in that Kingdom. London, 1690." Also in Wodrow, vol. iv., bk. iii., chap. xii., pp. 470-472; and will be found in our Appendix I. The two documents were drafted by Williams, Grand Pensionary Fagel, revised and translated into English by Burnet. Burnet's statement about the Scottish manifesto is interesting, and there is nothing but his known vanity to stand in the way of its being credited.—Hist. of Own Times, book iv., p. 493. Edition in one vol., 1875.

maintain," with the deftly chosen addition, "The liberties of England and the Protestant religion." At no time could the fleet and the force be regarded as large and formidable; in the present state of naval science they would be regarded as miserably if not ludicrously inadequate. The fleet consisted of some fifty men-of-war, five-and-twenty frigates, four hundred transports, and a few fire ships. On board the transports the force to be landed consisted of 4000 cavalry and 10,000 infantry. Encountering, the day after sailing, a violent gale from the west, William and his armament did not get finally away from the coast of Holland till Thursday, the 1st of November. By noon on the Monday following—the ever memorable 5th of November 1688—the Dutch fleet rode safe in the harbour of Torbay, on the coast of Devonshire.

While consummate judgment and prudence marked the progress of the descent upon England, which was now an accomplished fact, the conduct of the British monarch was that of one stricken with infatuation and judicial blindness. In order that he might have troops around him on whom he could rely, he brought over from Ireland battalions of half-savage Celtic Papists,

and filled up vacancies in his regiments with Irish recruits imported for the purpose, although he must have known something of that deep disgust and deadly antipathy with which his English subjects regarded all Irishmen.

With all the secrecy employed in carrying them out, and all the means taken to divert suspicion, it was not possible that William's preparations and real designs should remain for any length of time unperceived. Rumours that the Dutch meditated measures unfriendly to James were rife in London early in August. Acting upon information supplied by his envoy at the Hague, Lewis conveyed early intelligence of the preparation to James, and accompanied his warning with the offer of a squadron of ships to join the English fleet, and any number of troops his co-religionist of England deemed requisite for his defence.

But just at the time when, if ever in his brief reign, it was the interest of James to remain on friendly terms with France, he resented the intervention of one whose pensioner and hireling he had up till then stooped to be, declined all proffered assistance, denied the existence of any alliance between France and England, and persisted in believing that the preparations in

Holland were designed against the former country.

When the intelligence brought from the Hague and from Versailles could no longer be disregarded, James passed from insensate blindness to bewildered panic. He sent for 3000 men from Ireland additional to those who crossed the Channel in August, and he gave orders that as many more should march southward from Scotland. He held several interviews with the bishops of the Anglican Church, at which he appealed to them for support. Acting upon the advice they gave he abolished the Court of High Commission, caused the Metropolitan charter to be carried back to Guildhall, and restored to their college the suspended president and fellows of Magdalene. A special meeting of Privy Council was convoked at Whitehall, which all peers, spiritual and temporal, all judges and Crown lawyers, the Lord Mayor and Aldermen of the city were invited to attend, and before these notables satisfying evidence was adduced testifying to the birth of the Prince of Wales. In spite of these measures, the royal panic increased when, on the first of November, Burnet's translation of the declaration reached London, and a packet of the papers fell into the

king's hands. It was considerably augmented when, three days later, a courier, riding post haste, arrived from Dover Castle with the tidings that the Dutch fleet had passed the Straits, and was steering westwards.

Then James gave orders for his army to assemble at Salisbury. Had he followed the sage advice of Louis he would have gone there at once and offered battle to the invader in person; but he listened to the interested importunity of Father Petre, his ghostly adviser, whose life had been threatened by the London populace, and who conjured him not to leave the capital.

For fourteen days James remained at Westminster, only to be further humiliated and perturbed by hearing of the noblemen and gentlemen who were repairing to the quarters of the Dutch invader, and of the alarming defections taking place among his own officers and men. Slowly but steadily the counties of England rose in favour of William; soon all the land was ringing with the cries, "No Popery," "a free Parliament," "the Protestant religion." The spirit of revolt showed itself among the Government forces, and a conspiracy was formed among those officers still in London, who urged James

to repair to Salisbury, and swore to be true to the last drop of their blood. Attended by these men, of whose duplicity he had no suspicion, James arrived at the camp, and there held a council of war. The question was advance or retreat; when it had been discussed till midnight, James gave his decision in favour of retreat. So soon as the meeting broke up, two of the chief conspirators—Lord John Churchill, raised from being a page of the Duke of York to a place in the peerage first of Scotland and then of England, and the Duke of Grafton, a natural son of Charles II.—threw off the mask of concealment, and fled to the Prince of Orange. The discovery of treachery among the members of his staff led the deserted king to precipitate his retreat from Salisbury. On his way back to London he invited his son-in-law, Prince George of Denmark, and the Duke of Ormond to sup with him. When they left the table, the guests mounted horses, and rode off for the nearest quarters of the enemy, accompanied by the Earl of Drumlanrig, Lieutenant-Colonel of Dundee's regiment, "a band more detested by the Whigs than even Kirke's lambs," heir also of that Duke of Queensberry, "head of the Protestant Episcopalians of Scotland, a class compared with

whom the bitterest English Tories might be called Whiggish."[1] Arrived in London, a still bitterer mortification awaited the friendless head of a falling house. His daughter, the Princess Anne, following the example of her husband, Prince George, fled before her father reached his palace, and joined the insurgents.[2]

Then James professed to think of concessions. He would summon a Parliament for January, he would grant a free pardon to all who were in arms against him, he would show a reasonable amount of deference to popular prejudice by removing from the command of the Tower Sir Edward Hales, a strenuous upholder of the dispensing power, the harsh gaoler of the bishops, and a renegade Papist. As a still further concession, he appointed three commissioners to

[1] Macaulay's "Hist. of England," chap. ix.

[2] How keenly the desertion of the princess went home to the heart of her father appears from the contrast between the remarks made when he heard of the defection of his son-in-law, and the cry of misery wrung from him when informed that his daughter had absconded. "What," said he, in the case of the former, "is 'Est-il possible' gone too?" referring to the expression with which that by no means bright personage received any piece of news. When told of his daughter's disappearance, "he burst into tears, emphatically saying—'God help me! my own children have forsaken me.'"—Burnet's "History of Own Time," book iv., Dartmouth's note.

treat with the Prince of Orange. These apparent concessions were, in his own language, "a mere feint." The real design of them, as he explained to the French envoy, Barillon, was to gain time that would enable him to send his wife and son out of the country, and then "to leave England, and take refuge in Ireland, in Scotland, or with your master." And so when James's three commissioners were negotiating with the two appointed by William in the principal inn of the little town of Hungerford, the King of Great Britain was planning flight. On a dark stormy night in December the queen and infant prince were taken to Gravesend, and from thence in a yacht to Calais. Twenty-four hours afterwards, at three in the morning of the eleventh of December 1688, the king disappeared from his bedchamber, crossed the Thames in a small wherry, took the road for the island of Sheppey, and got on board the hoy in which he hoped to sail for France. When the door of the royal sleeping apartment was opened at the usual hour, it was discovered that the king was gone. The throne of Great Britain had been vacated, and the reins of government thrown up by the hands which were supposed to hold them.

On the eighteenth of the same month William Prince of Orange entered London, and took up his residence at St James's.

Substantially the Revolution was accomplished. The work of settlement fell to be done by trusted and competent hands.

CHAPTER IV.

THE SETTLEMENT.

Flight of James II.—The Interregnum—Arrival of William in London—English Convention of Estates—James declared to have abdicated and the Throne to be vacant—Acceptance by William and Mary of English Crown—Scottish Bishops Declare for James—Disorders in Scotland—Scottish Convention of Estates—The Claim of Right—Acceptance by William and Mary of Scottish Crown—Rebellion of Claverhouse—Abolition of Episcopacy—Settlement of Presbyterianism—General Assembly of 1690—Relation to State Church of Roman Catholics—Episcopalians—Cameronians—The Settlement, Civil and Ecclesiastical.

THERE could be no settlement for Great Britain so long as a crowned member of the House of Stuart was in the country. The attempt of James to join his wife and child in France was, in the first instance, frustrated. Some Kentish fishermen, suspecting the disguised passengers to be persons of importance, and probably Jesuits, boarded the hoy when it was about to sail, and brought the royal party on shore. On the king being identified he was taken in charge by a troop of Life Guards, brought back to London, and arrived at Whitehall on Sunday,

the 16th October 1688. William, who was at Windsor when news of this complication reached him, acted with a judiciousness and moderation that strikingly contrasted with the cowardice and childishness of his royal relative. He declined to hold any intercourse with James, and left it to those who had assumed the executive powers to inform the king that he must leave London. This was done at an early hour in the morning of Tuesday, when a barge, surrounded by boats filled with Dutch soldiers, left the stairs of Whitehall with James on board. The destination was Rochester, a town on the sea coast, and so a convenient place from which the discredited monarch might finally make his escape. If minded to make a second attempt, good care would be taken that no officious meddlers interfered to obstruct the flight of one whose continuance in the country was useless and embarrassing. It did not escape the notice of the Rochester recluse that "he was permitted to communicate freely with all who presented themselves, and that, while egress from the house towards the town was closed by the military posted at the door, the door from the garden to the river was left entirely open."[1]

[1] Lingard's Hist., vol. xiv., chap. ii., p. 284.

Professing to regard his life as no longer safe from the designs of his son-in-law, and preferring to be a pensioner of Louis rather than a state prisoner of the future king of Great Britain, James arranged to depart.

Between two and three o'clock in the morning of the 23rd December he stole out at a back door in Rochester, went through the garden to the shore of the Medway, and was soon on board a frigate which, after a two days' voyage, arrived at Ambleteuse, on the coast of France. Thereafter the fugitive joined his wife and child at the Castle of St Germains. In the words with which a Roman Catholic historian brings his history of England to a close:—"The reign of James in England and Scotland was at an end." [1]

From the 11th December 1688—the date of James's attempted but frustrated flight—to the 13th of February 1689—the date of the acceptance of the crown by William and Mary—the government of the country was in an abnormal condition. There was no king in England; these were the days of the interregnum when there was neither Protector nor President, and so the administration of affairs was more democratic than that of the United States of America.

[1] Lingard's Hist., vol. xiv., chap. ii., p. 287.

To make provisional arrangements for the public safety, a number of the magnates of the realm,—civil, ecclesiastical, and municipal,—met on the eventful 11th December at Guildhall, and continued to do so daily till the arrival of the Prince of Orange at St James's. As the outcome of their meetings the keys of the Tower were taken from Lieutenant Skelton ; Lord Dartmouth, commander of the navy, was enjoined to refrain from hostilities against the Dutch fleet, and to dismiss from the service all Popish officers ; while the Chancellor Jeffreys, detected at Wapping, in spite of shaven eyebrows and the disguise of a sailor all black with Newcastle coal dust, was sent to the Tower to die more miserably than many of the victims of his bullying brutality. Then, true to the use and wont of those declaratory times, the provisional government sent forth a declaration. In this document the subscribers testified unshaken attachment to the religion and constitution of their country, and the hope they had up till now cherished that serious grievances would have been redressed by the parliament the king had promised to summon—a hope his flight rendered it vain any longer to cherish. In these circumstances there was no course open to them but

that of joining with the Prince of Orange, that thereby the "freedom of the nations might be vindicated, the rights of the Church secured, a just liberty of conscience given to Dissenters, and the Protestant interest throughout the world strengthened." A copy of this declaration was despatched to the Prince, whose arrival in the capital was now anxiously expected.

William reached London before nightfall on the 18th December, and for two days was fully occupied in giving receptions to courtiers who crowded the rooms and staircases, and in receiving deputations of aldermen and magistrates, of prelates and of nonconformist divines, of lawyers and heads of colleges—all eager to express their satisfaction and to announce their adherence. On the 22nd William proceeded to what was more to his taste—business. He met with upwards of seventy peers, spiritual and temporal, to consider with them the state of the country, and to take steps for the settlement of its government. As the result of deliberations on the part of this quasi Chamber of Lords, it was resolved that a Convention should be summoned, to be composed of all who had been members of the House of Commons in the reign of Charles

II.,[1] and also of city aldermen and deputies from the common council, and that William be requested to take provisionally the administration of affairs.

The Convention Parliament or Convention of Estates met on the 22nd of January 1689. The Lower House, in which the Whig party was strong, and the Tory party was in a weak minority, soon formulated its judgment regarding the crisis, and sent that judgment to the Lords in two propositions. First, that King James, having endeavoured to subvert the constitution of the kingdom by breaking the original contract between the king and the people, and, by the advice of Jesuits, having violated the fundamental laws, and having withdrawn himself out of the kingdom, has abdicated the government, and that the throne is thereby vacant. Second, that it is inconsistent with the safety and welfare of this Protestant nation to be governed by a Popish king. To the latter of these propositions the Lords gave a hearty and unanimous assent. But by a chamber in which the Tory party was strong and the Whigs were

[1] Macaulay vindicates the exclusion from the invitation of members of the parliament which had been dissolved by James. "The nation held that parliament to be illegally constituted." Hist., chap. x.

in a minority, it was not to be expected that the first would be accepted without challenge. As returned to the Commons the word "deserted" was substituted in the first proposition for "abdicated," and the clause certifying the throne to be vacant was deleted. An open breach between the two branches of the legislature seemed imminent, and such a breach as would utterly neutralise all that had been gained by the departure of James and the arrival of William.

For the difference between peers and commons, which seems on the surface a trivially verbal and technical one, was, in reality, a radical difference of party and of policy regarding persons. In the judgment of all James had rendered himself "impossible" by his persistent subversion of the constitution and his frequent violation of the laws of the country. Still, however, a section of the Tory party maintained he had not ceased to be king *de jure*, he had not abdicated, he had only deserted. This state of matters, they argued, must be met by a regency during the life of the king, the regent appointed to be king *de facto*. That regent they were ready to acknowledge must be William of Orange. Another section of the same party attached no

importance to the distinction between abdication and desertion, but they contended strenuously that the throne was not vacant. According to their reading of the British constitution the throne never could be vacant. The king is dead: long live the king. There might be a demise of the crown, but the moment that took place there was an accession to the throne. And when asked who then has acceded they were ready with their answer. Not the child now in France, whose birth was suspicious, who had been born and baptised a Papist—judgment must go against him by default—but the eldest daughter of James, the Princess of Orange. She, they maintained, was at that moment the lawful sovereign of Great Britain; there were only wanting the formalities of proclamation and coronation to render her *de facto* as well as *de jure* Queen of England and Scotland.

Now to any who thought that accommodation with James was still possible, and to both sections of their political rivals, the Whigs in both Houses were irreconcilably opposed. They held that, as James had both deserted and abdicated, and so ceased to be king, the election of a regent would not meet the requirements of the case; they held that not only had the crown demised

in the person of James, but that the throne was vacant, and that the vacancy required to be filled up, not by transmission, but by popular election, which is the expression of national sovereignty. The person they were determined to place in the vacated throne was the champion of European Protestantism and the deliverer of the British nation from Popish intolerance.

How long the deadlock would have lasted, and what disastrous consequences would have ensued had it lasted much longer, it would be hard to tell. Fortunately the deadlock gave place to an amicable adjustment through a little plain speaking on the part of two persons, who, strange to say, had not been consulted in the heat of strife, but who certainly were deeply interested in what, as we have seen, was to them more than a mere strife of words. These persons were the Princess and the Prince of Orange. To Bishop Burnet and the statesman Danby the Princess Mary gave it to be clearly understood that she would be no party to being set up as William's rival competitor for the British crown and throne. She was his wife, as such subject to him; should she ever come to the throne her first action would be to surrender all her crown rights into the hands of her husband. When the

Princess was writing in this strain to her self-constituted champion in the House of Lords, the Prince, who inherited a gift of silence from his illustrious ancestor, William the Silent, marked his sense of the gravity of the crisis by indulging in a little silvern speech. To a select company of the leaders of both parties he made a short but well-weighed statement. He would consent to be neither Regent nor Prince Consort; he would be nothing else than King. If they could not make him offer of the crown for life let them say so, and he would go back to Holland and meddle no more in their affairs, for a crown, whatever others might think of it, was no such thing in his eyes but that he could live very well and be well pleased without it.[1] The effect of these generous and candid statements was soon apparent. When next the Lords met in their Painted Chamber the word "abdicated" was restored to its place in the motion of the Commons, and the throne was declared to be vacant.

The way was now clear for carrying out what

[1] William's reference on this occasion to his wife does credit alike to his heart, his judgment, and his good taste. "No man," he said, "could esteem a woman more than he did the Princess, but he was so made that he could not think of holding anything by apron-strings." Burnet's "History of Own Time," Book iv.

the heart of the nation had from the first been set upon—the making of William and Mary joint sovereigns.

In the act of making formal tender of the sovereignty, the Convention of Estates deemed it proper to embody in an historical document a recital of the encroachments of the Stuart dynasty, and an explicit assertion of the great constitutional principles against which these encroachments offended. What was agreed upon by both Lords and Commons has come down to us as the famous DECLARATION OF RIGHT.

This deed, like that of Magna Charta, forms a tidal mark in the constitutional history of England. It gathered up and conclusively determined the dispute between the Stuarts and their subjects who were willing to be such, but refused to be their slaves; it settled questions of unrighteous claim and of constitutional right that have never since then been stirred; it rendered it impossible for any form of monarchical government to exist in Britain save the limited form of the present day; and it bound in a nexus that has proved indissoluble the rights and liberties of the people with the Protestant religion.

On all these grounds the Declaration of Right ought never to be allowed to drop out of sight;

it deserves, as it will certainly repay, a careful study on the part of every lover of England and of English freedom. As most historians content themselves with an abstract of or extracts from this monumental document, we print it in full.[1]

On the 13th of February 1689 both Houses of the Convention met in the Banqueting House at Whitehall, and the Prince and Princess took their places under the canopy of state. The Clerk of the Lords read the Declaration of Right. At the close of its recital, Lord Halifax, in the name of the Estates of the realm, prayed the Prince and Princess to accept the crown. In his own name and that of his wife William accepted, and declared that the laws of England would be the rule of his life, the welfare of the kingdom his constant study, and the advice and judgment of Parliament what he would ever place confidence in.

Thereafter the Lords and Commons made their way through dense crowds to the great gate of Whitehall, and further on in the day Garter-King-at-Arms proclaimed, in what were then known as the cities of London and Westminster, the Prince and Princess of Orange to be King and Queen of England, charged all Englishmen

[1] Appendix ii., p. 222.

to bear true allegiance to the new sovereigns, and besought God, who had wrought so signal a deliverance for Church and State, to bless William and Mary with a long and happy reign.[1]

Thus the Interregnum was at an end, and the settlement of the kingdom under a new dynasty was happily begun, so far as England was concerned. The distinctness of the Parliaments in the case of Scotland and England, notwithstanding the union of the crowns, appears in the resolve of the Lords and Commons that "William and Mary be and be declared King and Queen of England, France, and Ireland, and the dominions thereto belonging," Scotland being left to resolve and declare for itself. What the Scottish nation resolved and declared must now be set forth.

In the end of October or beginning of November copies of William's declaration for Scotland found their way to that "ancient kingdom," as it was therein styled, and it was more or less publicly exhibited at the cross of such burghs as Glasgow, Irvine, and Ayr. An attempt on

[1] John Evelyn gives his account of the day's proceedings in these lines :—"I saw the *new Queen and King* [the italics are his own] proclaimed the very next day after her coming to Whitehall, Wednesday, 13th February, with great acclamation and general good reception. Bonfires, bells, guns," &c. Evelyn's "Diary and Letters," vol. ii., p. 303. Edition 1886.

the part of the Privy Council to suppress the document by issuing a proclamation "against spreaders of false news" only intensified the desire to procure copies of the treasonable papers, and so resulted in an increased circulation. The first corporation that took action with reference to the rumoured descent of the Dutch force was the venerable University of St Andrews. There the professors and heads of Colleges drew up an address to King James testifying their steadfast adherence to the principles of loyalty and obedience, and assuring His Majesty that nothing would avail to divert or frighten them from their love and obedience. Signed by the Archbishop as Chancellor the address was duly forwarded to his majesty with assurance of "perpetual prayers" for his happiness and that of his kingdom.[1] Soon after the Archbishop of St Andrews signed a more remarkable document. It was dated "Edinburgh, Nov. 3rd, 1688," and bore the signatures of thirteen prelates of the Episcopalian Church.[2]

[1] Eccles. Hist. of Scot., by the Rev. John Skinner, a Presbyter of the Episcopal Church in Scotland, vol. ii., letter lii., p. 513.

[2] It may interest Edinburgh readers to learn that the Bishop of that diocese signed himself "Alex. *Edinburgen.*" The letter is given in full by Wodrow, vol. iv., bk. iii., ch. xii., sec. iv.

In this painfully effusive and servile missive his most sacred majesty is congratulated upon being "miraculously prospered with glory and victory," and upon, "as the darling of heaven," being peaceably seated on the throne of his royal ancestors, "whose long, illustrious, and unparalleled line is the greatest glory of this ancient kingdom." He is warmly thanked for the repeated assurances of royal protection to "our national Church and religion, as the laws have established them." Amazement is expressed that there should be any danger of an invasion from Holland, and the king is assured that the subscribers will maintain a firm and unshaken loyalty, will do their utmost to foster in his subjects allegiance "as an essential part of their religion." And the document concludes with an expression of confident expectation that "God will still preserve and deliver you by giving you the hearts of your subjects and the necks of your enemies." Of the tone and structure of this prelatic manifesto, for which even Episcopalian writers can offer only a half-hearted apology,[1] nothing need be said. They obviously rendered

[1] The most Mr Skinner can advance in defence of the Episcopalian flatterers of royalty is that "he hopes it may be said, without giving offence to present times, that, *as matters yet stood*, they were at least excusable for what they now did"!

it impossible for a Church, the ecclesiastical representatives of which could write in such a strain, to have any place in the reconstruction of the Church polity of Scotland.

What value James attached to episcopal prayers we cannot say; but it was to another quarter than the Church militant that he turned for help when his kingdom was threatened with invasion. In 1688 he announced to the secret committee of the Scotch Council that he had reason to believe William of Orange was preparing to invade England. To meet this danger the six noblemen who composed that committee propounded a plan which they believed would, if adopted, effectually hinder all risings in Scotland and the north of England. Their proposal was to strengthen the regular troops, at that time upwards of 3000 strong, by calling out the militia and the yeomanry "and 4000 of the choice of the Highlanders."[1] An army thus increased to upwards of 15,000, and marched as far as York or even to the border of England, would render, it was urged, signal service to the royal cause.

[1] Balcarras' Memoirs, p. 11, Bannatyne Club edition. The Lowlands of Scotland would doubtless appreciate the reference to "*choice* Highlanders," after the experience of the Highland Host in 1678!

But preparations in this direction had all to be abandoned in consequence of the receipt at Edinburgh of a second despatch giving orders for the instant departure of all the regular forces with a view to their joining the royal army at Salisbury. In compliance with that order, too peremptory to be evaded, although agreed upon "at a supper, and wrote upon the back of a plate," [1] close upon 3000 men, lusty and loyal, well trained and well clothed, began their march out of Scotland about the beginning of October, and reached the royal standard on the 10th of the following month.

The effect of the removal of this military force amply verified the apprehensions of the government officials in Scotland. The Presbyterianism of the country asserted itself in a way that was doubtless somewhat rough and high-handed, but one not to be wondered at, considering the merciless repression to which for so many years it had been subjected. Where the iron heel of the persecutor had been most ruthlessly pressed upon the necks of the people there were popular risings and tumults. In such counties as Renfrew and Ayr and Galloway, in such districts as Nithsdale and Annandale, clergymen who had

[1] Balcarras' Memoirs, p. 12.

aided the oppressors were mobbed, or, in the language of the day, "rabbled," carried to the churchyard or market place where, after having their clerical vestments torn over their heads or committed to the flames, they were charged to remove themselves and families out of the parish without delay, after which the church door was locked, and the keys taken possession of by the ringleaders of the excited gathering.

In Glasgow the University students, with the young Earl of Loudon at their head, amused themselves by burning in effigy the Pope, the Archbishops of St Andrews and of Glasgow, the city authorities offering no opposition.

More formidable and alarming were the dimensions and the action of the mob in Edinburgh, made up as it was of citizens, students, and apprentices. The locality upon which popular feeling concentrated was the Abbey of Holyrood Palace, where the royal Popish chapel was, and where, under court patronage, the Jesuits had their schools and their printing press. The chapel was guarded by a small armed force, and a conflict ensued, resulting in loss of life on both sides. Ultimately the defenders were overpowered, and the exasperated mob got complete possession of the building. Then the work of

destruction began. The finely carved stalls and the costly fittings of the chapel were wrecked, the books from the library were made a bonfire of, and the images, when discovered in an oven, the mouth of which had been covered with an old press, were added to the burning heap, after being carried through the streets in mock procession. This wanton and unjustifiable destruction of royal property was followed up next day by a visitation of the houses of known Papists, from which were taken Popish books, beads, crosses, and images, all of which were "burned solemnly in the street."[1] In the anarchy of the times even the persons of Ministers of State were by no means safe. There was one government official as detested in Scotland as Jeffreys in England, and toward him popular resentment was directed when no longer under military restraint. James Drummond, Earl of Perth, had won the favour

[1] D. Wilson's "Memorials of Edinburgh," pp. 105-106. Wodrow, vol. iv., bk. iii., chap. xii. Balcarras. The last-named authority charges the iconoclasts with opening his cellar and that of the Earl of Perth, and making themselves "as drunk with wine as before they had been with zeal," also with treating some Roman Catholic ladies with the utmost barbarity. Wodrow's statements ought in fairness to be taken along with those of the Jacobite nobleman :—"Some took occasion to mix in for pillage. . . . A rabble of common thieves got up and pillaged several houses merely for plunder."

of James II. by base apostacy from the Protestant cause, and by being the first Inquisitor-General in Scotland who followed up the torture of the boot with an application of steel screws to the joints of his victims. As the reward of perfidy and cruelty he had been made Lord Chancellor of Scotland. When the Edinburgh riots broke out, and the mob indulged its humour by shouting in the Parliament House, "No Papist," by proclaiming at the market cross, a "free Parliament," and by placarding rewards of two thousand pounds for the heads of the Ministers of the Crown, the Chancellor, whose spirit was as abject as it was shameless, and whose courage was such as only qualified him to look calmly on the sufferings of others, fled to his country seat, Drummond Castle. Not feeling safe even in that retreat, he meditated and attempted flight to France. But pursuers were on his track, stimulated in their pursuit by the prospect of relieving the hated torturer of the gold he was reported to have with him. Brought to shore in the woman's clothes assumed for disguise, he was lodged in Kirkcaldy prison, and from thence, by order of the very Council at the meetings of which he had so recently presided, he was removed to Stirling Castle, where

he suffered close confinement for nearly four years.[1]

This treatment of their former President, by men who had their own share in his wrong-doing, was in keeping with other indications that they had resolved upon a change of sides as a move of that political trimming which so largely influenced their conduct. On 4th December 1688 an order was issued by His Majesty's Privy Council "anent Papists," in which instructions were issued to sheriffs and others to search the houses of Papists, to seize all arms and ammunition over and above what were for strictly personal use, and then to protect the persons and houses of such persons against all public tumults and private insults. Within three weeks of the date of that order another was issued "calling forth the heritors." It begins with a reference to the apprehensions that were abroad as to Papists in Galloway being in arms, and to suspicions regarding "the Irishes and other Papists from England and Ireland" endangering the Protestant religion, and it professes great concern for the security of Protestantism, and for the lives, liberties, and properties of His Majesty's subjects. In the

[1] Balcarras' Memoirs, p. 18.

way of precautionary measures, all heritors are called upon to arm themselves, and then to repair to the head burghs of their respective shires, "there to be rendezvoused" under the command of the persons thereafter specified. Magistrates are called upon to assemble all fencible persons; the militia of foot in this kingdom are to hold themselves in readiness to assemble whenever and wherever their services may be required.[1]

The issuing of proclamations anent Papists instead of against conventiclers, in the interests of the Protestant religion and the liberties of the subjects and not for their extirpation, gave clear indication that in the forecasting of shrewd but unprincipled courtiers a change was at hand.

The first step in that direction was taken in London. So soon as it was known that William had landed in England, the roads leading to the capital were thronged with lords and gentlemen, Episcopalians and Presbyterians, all anxious to advance the interests of their respective parties, and to make the best terms they could for themselves. The Scotsmen who had come over with the liberator from Holland met with their

[1] Both proclamations will be found in Wodrow, vol. iv., bk. iii., chap. xii., sec. 4.

Presbyterian countrymen who were in London, and several meetings were held in the Ship Tavern in St James's Street. Becoming aware of these gatherings of Scots, William issued an invitation to a conference regarding the state of matters in Scotland, and the steps that should be taken to replace the present anarchy with a settled government.

The result of that and subsequent interviews was a request made to the Prince that he would summon a Convention of the Estates of Scotland for the 14th of March 1689, and, in the interim, take on himself the civil and military administration of affairs. The letters or proclamations calling the Convention were to be addressed to "the Freeholders, who have the value of lands, holden according to law, for making elections;" the members elected must be Protestants, but without any other exception or limitation whatsoever; and they were to convene in order "to deliberate and resolve what is to be done for securing the Protestant religion, and restoring the laws and liberties of the kingdom."

The nearer it drew to the 14th of March, the greater was the gathering, and the keener the excitement in the old capital of Scotland. The Jacobites mustered strongly, and their prospects

were far from hopeless. The Castle, with its batteries commanding the Parliament House, was held for James by the Duke of Gordon; all offices of the Crown, and all departments of the legal profession were filled with Tories, and by the beginning of March two such skilful and daring leaders as John Graham, now Viscount Dundee, and Colin Lindsay, then Lord Balcarras, had reached Edinburgh, with commission from James among their secret papers authorising the former to command the troops, and the latter to undertake all civil business.

But the Williamites, as the supporters of the Prince of Orange began to be called, outnumbered the Jacobites; from all quarters, but especially from the south and west of Scotland, there came dropping in companies of tens and of twenties till the town swarmed and lurking places were filled with hillmen, ready, if need should be, to draw their claymores from under their plaids to secure a free and safe convention. When the members took their seats it was found that the Estates of Scotland were represented by forty-two peers, forty-nine county and fifty Burgh representatives, with nine prelates to say prayers and to speak and vote for the spiritual estate of the kingdom. It was rumoured that the elec-

tions had gone strongly in favour of the Williamites, and the correctness of the report was proved by the result of the first vote taken when both Lords and Commons, according to northern custom, met in the same chamber of the Parliament House, and the Duke of Hamilton was elected president by a majority of forty votes over the Marquis of Athole, the nominee of the James party.[1]

The spirit and temper in which the Convention addressed themselves to the business for which they had met can be gathered from the way in which they dealt with a letter forwarded to them from "King James the VII." Before so much as opening it they resolved and enacted "that notwithstanding of anything that may be contained in that letter for dissolving them or impeding their procedure, yet that they are a free and lawful meeting of the Estates, and will continue undissolved until they settle and secure the Protestant religion, the government, laws, and liberties of the kingdom." To the order making this declaration are appended the signa-

[1] A striking proof of the flexibility of Jacobite politics is to be found in the fact that that first vote cost the minority the loss of twenty votes in every subsequent division, Jacobites to that number having gone over to the majority immediately upon the defeat of their candidate.

tures of "Dundie" and "Balcarras," as well as of "Hamilton," "Athol," and "Argile."

On the 27th March the Estates nominated eight peers, eight barons, and eight burgesses to form "the Committee for settling the government," the prelates being conspicuous by their absence, and a majority being Whigs. By the 11th of April that Committee had framed a plan which approved itself to the Estates, and took its place among the declarations and orders of the Convention under the historic title of THE CLAIM OF RIGHT. Framed on lines similar to those had regard to in the construction of the English DECLARATION OF RIGHT, the Scottish claim is right worthy of a place alongside of that famous document.[1] The outstanding difference between the two documents appears in what they state regarding James in relation to the government, the crown, and the throne. In the English declaration "the late King James the Second" is stated to have "abdicated the government, the throne being thereby vacant." In the Scottish claim "King James the Seventh, being a professed Papist," is declared to have "forefaulted the right to the Crown, and the Throne is become vacant." The English mani-

[1] It will be found given in full in the Appendix iii., p. 228.

festo has been criticised, censured, and condemned on grounds both verbal and logical. But even English historians admit no fault can be found with either the grammar or the logic of the Scottish claim.[1] The matter is there boldly faced, plainly stated, conclusively argued: forfeiture of the crown renders the throne vacant.

Having reached and formulated their conclusions the Estates were not slow to give them practical effect. After the interval of a day William and Mary were proclaimed King and Queen of Scotland "at the Mercat-Cross of Edinburgh by the Lyon King-at-Arms." Two days afterwards a proclamation was issued "against the owning of the late King James," and appointing public prayers for William and Mary, King and Queen of Scotland.

On the same 13th of April an appendix to the Claim of Right was drawn up in the form of "Articles of Grievances to be redressed in Parliament."[2] The difference between the two documents appears on the surface of them. The Claim formulated the constitutional rights of the

[1] "No word of slighter import than forfeiture could be chosen to denote the [Scottish] national rejection of the Stuart line." Hallam, "Constitutional History of England," chap. xvii. on the "Constitution of Scotland."

[2] Given in full in Appendix iv., p. 237.

nation which had been outraged by the late king. The Articles set forth reforms in law and practice, requiring bad laws to be repealed and grievous practices to be amended. The one was declaratory of the constitution as it stood; the other enunciated reforms to be effected by fresh legislation.

All that now remained in order to bring the Scottish interregnum to an end was a formal tender and a formal acceptance of the forfeited Crown. The Convention proceeded to arrange for this being done. They prepared the form of oath to be administered to the Prince and Princess; they drew up a letter to be delivered to the former; they appointed the Earl of Argyll, Sir James Montgomery of Skelmerlie, and Sir John Dalrymple as representing the peers, the commissioners of shires and those of towns, to repair to London for the purpose of presenting the document and administering the oath; and they furnished their commissioners with instructions how to act when in London, and telling them, after the king and queen had taken the oath, "to return as soon as is possible." [1]

Having done these things the Estates ad-

[1] Tarbet's "Scots Acts, 1685-1707," p. 167.

journed, giving sufficient time to the Commissioners to carry out their instructions.[1]

On the 24th of May a letter, "given at our Court at Hampton Court the 17th day of May 1689, and of our reign the first year," was read, intimating on the part of "William R." that the Commissioners had fulfilled their mission, and that "the Queen and We did take and sign the oath tendered to us by your said Commissioners, which (by God's assistance) we will religiously observe."

The oath had not been taken without qualification or explanation. As prepared by the Convention, to be repeated sentence by sentence by the royal couple after the administrator, the oath contained this for closing provision:— "And we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convict by the true kirk of God of the foresaid crimes, out of our lands and empire of Scotland." When the Earl of Argyle reached that clause the hitherto uplifted right hand of

[1] Not however before they had granted warrant "for a voluntary contribution throughout the whole kingdom, both in paroch churches and meeting-houses, for the relief of those distressed Protestants fled out of Ireland and France into the kingdom for shelter and refuge, whose necessitous condition calls for the charitable supply of all good Christians."—Tarbet, *ut supra*, p. 183.

William dropped by his side, and he said that he could not undertake, by swearing these words, to become a persecutor. The Commissioners had been previously made aware of the King's scruple, and had received instructions from Edinburgh how to deal with it, and so they replied that neither the meaning of the oath nor the law of Scotland did import it. In that sense, the King replied, he was willing to take the oath as it stood, calling upon all who were present in the Banqueting House of Whitehall, as well as upon the Scottish Commissioners, to witness how he did so. In his letter to the Convention, declaring that he had accepted the offered Crown, the now reigning King intimated that, in accordance with a desire expressed through their Commissioners, the Convention of Estates would be turned into a Parliament, and authorizing them to adjourn themselves. Immediately on receipt of the royal missive a letter was indited by the Estates, stating that "with inexpressible satisfaction we look upon the condition we are now in of being of the number of your Majestie's dutiful subjects, and so under the protection and conduct of our deliverer," and rendering hearty thanks for his compliance with their desire.

And then, on the 24th of May 1689, this memorable series of meetings was brought to a close by the Estates of the Kingdom of Scotland adjourning unto "the 5th day of June next to come."

Thus was the Revolution Settlement constitutionally and legally accomplished in Scotland. The House of Stuart had been deliberately deposed and set aside as incapable, unworthy; the House of Orange had been formally placed in possession of forfeited crown and empty throne. No features of the change thus effected were more remarkable than the calm deliberation and yet prompt decision with which the matter was gone about. In England the Estates gave effect to the national will in peace and safety. But in Scotland the Estates met and proceeded with the civil and military settlement of the nation amid great popular excitement, and with no small measure of personal jeopardy. "No man," as has been well remarked, "deliberating and voting in the Convention could say in how many hours or minutes he might have to fight an equal enemy or flee before an overwhelming force."[1] Outlawed, proscribed men were in that assembly,

[1] J. Hill Burton's "History of Scotland," vol. vii., chap. lxxxi., p. 288.

taking part in its proceedings ; on the other side of the room were such men as Lord Balcarras and Viscount Dundee, who had accompanied James in his last walk up and down the Mall, and who had held midnight communications with the Governor of the Castle to see if he would not throw a shell into the Parliament House, when the merciless Claverhouse would be ready with his troopers to fall on the hated Whigs and complete the work of destruction. With all this before them the Convention went deliberately and even slowly about its work, approached William in a dignified spirit of independence, and refused to consummate the transference of regal rights and titles until it was safeguarded by every possible constitutional and legal sanction.

The Revolution was accomplished, but the trouble and the danger consequent upon a change of dynasties were not past. That they could hardly be, so long as one persistent and plotting Jacobite lived—John Graham of Claverhouse. That cordially hated and blindly worshipped soldier of fortune stayed in Edinburgh and attended the Convention so long as there seemed to him any prospect of striking an effective blow for the interests of his fallen sovereign. When, however, he saw that the game was lost in the

Convention, and suspecting, on probably very good grounds, that Edinburgh, crowded with Hebraic hillmen and stern Whigs, was not a safe lodging for him, he made for the Highlands, and sought to raise the clans for James and Prelacy. The average Highlander knew little and cared less about imperial politics; the national question, who was to occupy the throne of Great Britain? was of less importance in his eyes than the local one, who was the chieftain in the Highlands? Although it is an exaggeration to affirm that "he cared not the value of a single sheep whether James or William sat on the throne of Great Britain,"[1] it is true he was more deeply interested in the question whether the clan Campbell was more powerful than the clan Cameron. Argyle, the MacCallum More, and head of the great Campbell clan, had from time immemorial claimed the Highland sovereignty, and to him were tributary the Macdonalds, the Stuarts of Appin, the Macnaghtens, and the Macleans. There was, therefore, hatred in the heart of every member of these vassal tribes, hatred of the house of Argyle, and the reverse of fortune which that house suffered from the days of the

[1] Claverhouse, by Mowbray Morris. "English Worthies," chap. x., p. 170.

beheaded Marquess was hailed with delight. Meanwhile the Camerons had risen in the ascendant, and Sir Ewan Cameron of Lochiel, bearing the name of Ewan Dhu, was chieftain of the Highlands, bearing a name compared with which in the Lochaber district that of James or of William was not one to conjure with, and wielding a power greater than that of any potentate crowned or discrowned. When, therefore, the chiefs of the Western Highlands learned that William of Orange had landed in England accompanied by their old superior restored to favour and power, and that the Scottish Estates, among whom Argyle sat and voted, had declared for William, that foreign prince became in their eyes an oppressor and not a deliverer, not a friend, but a foe. They were thus prepared to welcome as a leader that fugitive and now outlawed Claverhouse, whose doings against the party an Argyle represented for three generations were not unknown and not unpalatable to them.

A gathering of the clans took place in Lochaber, and by the end of July 1689 Claverhouse had his forces encamped at Blair Athole, commanding on one side the road into the Highlands, and, on the other, the passes leading to the Spey and the

Dee. The forces were small, poorly equipped, inadequately disciplined. The claymores of the clansmen did not exceed 1900, the sabres of the cavalry were only 50 in number, and the Irish contingent, of which great things had been promised and expected, had shrunk to 300 recruits, ragged and raw, half-starved, badly armed, and entirely ignorant of war. These joined the insurgent forces as they marched through Badenoch, without stores of ammunition or commissariat—"300 empty mouths to feed, and 300 useless hands to arm."[1] Of artillery there was none.

General Mackay of Scourie in Sutherlandshire had been despatched by William III. with a body of well-appointed troops to follow Claverhouse and check the rising of the clans. Upon the 27th of July 1689, Mackay marched out of Dunkeld for the Glen of Killiecrankie, and reached the mouth of the pass at ten in the morning. The only road then leading through this famous and now familiar valley was a rugged path, so narrow that not more than three men could walk abreast, a path winding along the edge of a precipitous cliff, with the dark waters of the Garry thundering and foaming beneath.

[1] "Claverhouse," by Mowbray Morris, chap. xi., p. 198.

When Mackay had with strenuous toil climbed the terrible pass, it was to find the clans and cavalry of Claverhouse posted at the summit, and ready for battle. As their commander put it to them when addressing the royal battalions, they must fight, for flight in such circumstances meant certain death. Waiting for sunset, that he might have the advantage of darkness, Dundee rode to the front of his cavalry; Lochiel and his vassals flung off their plaids and brogues; the pipes sounded, and the Highlanders came down the slope at a slow trot. Having received the fire of their opponents, and while these were fixing their bayonets in the smoking muzzles of their pieces, they threw down their guns and rushed with a wild yell, broadswords and lochaber axes in hand. The onset was so terrific that it swept Mackay's regiments in headlong rout down the glen. The rout extended as far as Pitlochry; fugitives attempting to cross the Garry were either drowned in its swift currents or cut down as they scrambled on to the opposite bank; natives who had been in hiding till the issues of the day were decided, now took part in slaughtering and stripping; even women gave a helping hand, pushing with long poles the wounded or

dead bodies of royalists into the centre of the river.[1]

The victory was with the forces that fought for James; the loss by death and capture in those of Mackay exceeded that of Dundee by upwards of eleven hundred. And yet the greater loss was on the side of the Jacobites, for Dundee had received his death wound, a bullet entering his side a few inches below his breast-plate, as he rose in his stirrups to signal on his troops by waving his plumed hat over his head.

Practically the death of that ruthless, restless leader ended the military opposition to the Revolution in Scotland. In a few weeks the gathering of Highland clans melted away. In the words of William III., when refusing to send a large army into the Highlands—"The war ended with Dundee's life"—words not wanting either in generosity or in shrewdness.

No doubt there were what have been termed "Rebellions" in Scotland after Dundee's stand for the House of Stuart. There was the Rebellion in 1715-1716, under the Earl of Mar; and there was the more formidable Rebellion of 1745, in which Charles Edward, grandson of

[1] Chambers' "History of the Rebellion in Scotland under Viscount Dundee," chap. vi., p. 112.

James II., and son of the Pretender or Chevalier St George, was the hero. But to both of these movements the term "Rebellion" is really as inappropriately applied as that of "battle" to the engagements at Rullion Green, Drumclog, or Bothwell Bridge. They were insurrections or risings of a portion of the nation in the interests of the deposed family, risings which subsided "in cold gradations of decay;" they were in no sense of the word movements of the nation which had passed through a rapid but pacific Revolution, costing no blood, and violating no right.

When John Graham of Claverhouse, as Viscount Dundee, attempted to subvert that national movement, his battle-cry was, "King James and the Church of Scotland." By "the Church of Scotland" Claverhouse meant that Prelatic Church which the Convention of Estates had declared to be "a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people," and which he had spent his unworthy life in endeavouring to force with sword and bullet upon his countrymen. The Scottish Church of the Revolution was a very different one, one that had been dear to the people of Scotland

ever since the Reformation, and has been the Church of the nation's choice and affection ever since 1688—the Church of Presbyterian Polity, Doctrine, and Worship.

In the meetings of the Estates in the spring of 1689, there was time for only two measures bearing on ecclesiastical matters, but these two were distinctly unfavourable to Episcopacy. There was the statement in the Claim of Right describing Prelacy as a grievance and a trouble; and there was the appointing of a proclamation against owning the authority of "the late King James," or questioning that of King William and Queen Mary, to be read by all ministers from their pulpits "under the pain of being deprived and losing their benefices."[1] This latter measure has been correctly described as one "which, though not specially directed against Episcopacy, struck it through the side of loyalty."[2] The giving effect to it led to many episcopal clergymen being removed from their charges, and to many churches becoming vacant.

A more decided step in the direction of erecting the presbyterian polity was taken in

[1] Tarbet's "Acts of the Scot Parliament, 1685-1707," p. 154.

[2] J. Hill Burton's "Hist. Scot.," vol. vii., chap. lxxxiii., p. 422.

the summer of the same year, when those who had a few months ago met in Convention formed "a lawful and free Parliament," according to royal enactment to that effect. On the 22nd July an Act was brought in and passed, "abolishing Prelacy and rescinding all Acts establishing Prelacy, or the superiority of church officers above Presbyters." In the last paragraph of this Act their Majesties pledged themselves that they, "with advice and consent of this Parliament, will settle by law that Church government in this kingdom which is most agreeable to the inclinations of the people."[1] Thus the nominal Church of the Stuarts shared the fate of their House—it fell, and so made room for another and a purer being substituted in its stead.

The second session of the first Parliament of the new dynasty began its work of ecclesiastical reconstruction on the 25th April 1690, by rescinding that Act passed in the reign of Charles II. which asserted the royal supremacy over all persons, and in all causes ecclesiastical. On the same day an Act was passed "restoring the Presbyterian ministers who were thrust from their churches since the 1st day of January

[1] Tarbet's "Acts," *ut supra*, p. 197.

1661, or banished for not conforming to Prelacy and not complying with the courses of the time." The Act gave all such Presbyterian ministers free access to their churches, authority to exercise the functions of the ministry in their parishes without any new call thereto, and possession of the benefices and stipends thereunto belonging, with immediate entry where the churches were vacant, and where not vacant there was to be a division of the last half-yearly instalment of stipend between the incumbent in possession and the minister "formerly put out." When Prelacy was forced upon Scotland, the outed ministers of 1662 numbered about 350. Of these, after twenty-seven years of hardship and suffering, not more than sixty were alive in 1690, called by the Episcopalians of the period "the sixty bishops."

The State Church received legal sanction and recognition, so far as these could be given by Act of Parliament, upon the 7th of June 1690.

The Act in which this was done is described as an "Act ratifying the Confession of Faith, and settling Presbyterian Church Government." It provides for the receiving, ratifying, and perpetual confirming of all laws, statutes, and Acts of Parliament made "against Popery and Papists,

and for the maintenance and preservation of the true and reformed Protestant religion, and for the true Church of Christ within the Kingdom"; it ratifies and establishes "the Confession of Faith as the public and avowed Confession of this Church"; it establishes "the Presbyterian Church government and discipline, that is to say, government by Kirk-sessions, Presbyteries, Provincial Synods, and General Assemblies, ratified in 1592"; it allows and declares the Church government to be exercised "by those Presbyterian ministers who were outed since the first of January 1661, for non-conformity to Prelacy, and such ministers and elders as they have admitted or received, or shall hereafter admit or receive"; finally, it appoints "the first meeting of the General Assembly of this Church as above established, to be at Edinburgh, the third Thursday of October next to come, in this instant year 1690."[1] The thirty-three chapters of the Westminster Confession of Faith are given at length in the Act, and so become not only the creed of the Church as by law established, but also an integral portion of the statute book of Scotland.

[1] Tarbet, *ut supra*, pp. 206-208. This Act of Parliament settling Presbyterian Church government in Scotland will be found in Appendix v., p. 239.

Only one thing remained for Parliament to do, and so complete its work of ecclesiastical restoration and settlement, and that one thing it promised, when it passed the above Act, to consider. The promise was made good on the 19th July in an "Act concerning Patronages." In the preamble of the Act it is stated that "the power of presenting ministers to vacant churches of late exercised by patrons hath been greatly abused, and is inconvenient to be continued in this realm." The power is therefore revoked with all amplitude of legal phraseology. It was enacted for the future that in all vacancies the heritors of the parish (being Protestants) and the elders should name and propose a person to the whole congregation for approval or disapproval. In the event of disapproval, those disapproving must give in reasons, so that "the affair may be cognosced upon by the Presbytery of the bounds at whose judgment and by whose determination the calling and entry of a particular minister is to be ordered and concluded." Provision is made in the same Act for the exercise, on the part of the Presbytery within whose bounds a vacancy exists, of the *jus devolutam*, in the event of heritors and elders taking no action within the space of six months. In lieu of, and as recompense for,

the exercise of the former right of presentation thus taken from them, the patrons are to receive from heritors and life-renters in parishes, and from town councils of burghs, a sum of six hundred merks Scot,[1] together with the right to teinds not heritably disponed. In spite of the earnest remonstrance and protest of the Church, this Act of 1690 abolishing patronage was repealed, and patronage restored in 1711.

The Parliament that ratified the Confession of Faith and established the Presbyterian Church government took a further step. It authorised the ministers and elders in whose hands the government and discipline of the Church as now established had been placed, to hold General Meetings prior to the meeting of the General Assembly, for the purpose of purging out "all insufficient, negligent, scandalous, and erroneous ministers." The restored ministers were empowered to visit, either personally or representatively, districts and congregations, and summon ministers before them. Should any one duly cited

[1] Equivalent to about thirty-five pounds, five shillings in our reckoning. "The sum," writes Macaulay, "seems ludicrously small. Yet when the nature of the property and the poverty of the country are considered, it may be doubted whether a patron would have made much more by going into the market."—"History of England," chap. xvi.

prove contumacious, he was liable to be either suspended or deposed, in which case there was to follow suspension from or deprivation of stipend and benefice.[1]

To this work of visitation and examination the ministers and elders of the restored polity addressed themselves during the summer and autumn of 1690. Several sessions of the General Meetings were held, and vigorous measures were adopted to repair a fabric which for years had been lying in ruins.

At length the 16th of October arrived, and then, after an interval of thirty-seven years, the General Assembly of the Church of Scotland met in the Assembly House, Edinburgh. The opening diets were set apart for solemn fasting and humiliation and the preaching of forenoon and afternoon sermons by two ministers who had been Moderators of General Meetings. When the roll of Members, clerical and lay, was made up, it was found to contain 180 names, and over these the interim Moderator was the Rev. Gabriel Cunningham of Dunlop, the friend of Carstares, and one who, although he had accepted the indulgence, was held in esteem by all parties. When a per-

[1] Tarbet, *ut supra*, p. 208.

manent Moderator came to be elected, the honour of the post was conferred upon the Rev. Hugh Kennedy, a Protestor of the old school. So soon as the Assembly had been constituted with prayer, Lord John Carmichael, a man of prudence, firmness, and quietness, presented his credentials as the Commissioner of Royalty, and these were respectfully received and acknowledged by the Assembly. At the second session there was received a letter from King William, to the reading of which the Assembly listened with marked regard, and to which, on the following day, a courteous reply was drafted and despatched.

These formalities of procedure having been adjusted, the Assembly devoted four weeks to the consideration of matters bearing upon the interests of the reconstructed Church. In that time three ministers who had been identified with the extreme Presbyterians were received into the State Church; an overture anent subscribing the Confession of Faith on the part of probationers, ministers at ordination, and elders entering upon office, became an Act of Assembly; an Act was passed appointing a solemn national fast and humiliation; and arrangements were made for two commissions of visitation, with

powers to visit, purge, and admit ministers of the Church—one commission taking to do with congregations on the south, and the other with those on the north side of the Tay.

Having got through a large amount of business, and appointed the next General Assembly to be held at Edinburgh the first day of November next to come, the Assembly of 1690 dissolved, members being dismissed with prayer, singing of the 133rd Psalm, and the benediction.

Although not a member, William Carstares was in constant attendance at the various sittings, and to the influence he exerted over the fathers and brethren, by whom he was held in unbounded esteem, may be credited in large measure the forbearance and fairness with which the Assembly conducted its proceedings. The "calm and peaceable procedure," the "moderation" recommended in the King's letter, as "enjoined by religion, and expected by neighbouring Churches," were not disregarded by the one hundred and eighty Presbyterians, who demanded no renunciation of Episcopacy from such prelatic incumbents as desired to continue in the State Church, and who tolerated all willing to subscribe the Confession of Faith and promise submission to the Presbyterian form of government.

To say these things of the Church of the Revolution does not require us to go to the extreme of affirming that the Westminster Confession of Faith "partakes of the latitude and largeness of a compromise," that William Carstares was "thoroughly Erastian, as that phrase is understood in Scotland," and that "the Revolution Settlement was of all conceivable settlements the most Erastian."[1] Extreme statements such as these proceed upon the transparent assumption that any connection between Church and State must necessarily be such as subordinates the former to the latter, and that all who contend for State recognition and endowment of the Church must needs be advocates of Erastianism. The fact that in 1690, when all was in confusion ecclesiastically, the State took the initiative and did not consult the Church, as might have been done had there been any exist-

[1] These are the statements of Dean Stanley and Professor Story. In truth, so desirous is the former of securing for moderation—"that great philosophic virtue and evangelical grace"—a respectable and venerable paternity, that he is inclined to father it upon John Knox himself, who, he declares "had a tinge of moderation, which has been but little recognised either by his friends or his enemies." Both the English Dean and the Scottish Professor persistently identify the "moderation" of Paul's Epistle and of William's letter with the "moderatism" of a Principal Robertson and a Jupiter Carlyle, an identifying utterly unhistorical.

ing Presbyterian organization to consult, does not of itself convict the State of claiming supremacy, or the Presbyterians of the day of unscriptural subserviency to the civil power; it merely illustrates a first principle with such sound presbyterian divines as Rutherford, and Baillie and Gillespie to the effect that much may be allowed to the civil magistrate in exceptional and troublous times, which may not be permitted by common and known law in settled Churches. At the same time it will be conceded by well-acquainted and impartially minded students of the Revolution Church in Scotland, that the settlement then made was not perfect, but was such as would soon certainly generate a considerable amount of friction in the actual working of the arrangement, and might even at times throw the machinery out of gear. The friction speedily manifested itself, tasking to the uttermost the suasive power and steering skill of "Cardinal" Carstares, the "Presbyterian Primate;" and the machinery of the State Church proved ill fitted to bear the strain to which it was subjected in 1733, and again in 1843.

These general remarks may receive illustration, and possibly confirmation, if we inquire

what was the relation to the Established Church on the part of those churches that remained outside the settlement. These churches were three in number; and of the three one was of set purpose excluded from all participation in the arrangement, while the other two may be said to have excluded themselves.

The excluded Church was that of the fallen dynasty, the Church owning allegiance to the Pope of Rome. For Popery and for Papists no place could possibly be found in the Revolution Settlement of 1688-1690. For in one of its deepest aspects the revolutionary movement of the seventeenth century was a revolt of the people against the religion of the reigning families in France and England; it was an expression of unconquerable suspicion of all that emanated from the Pope or from the power behind the Pope, and also of a clenched determination on the part of the English and the Scottish people not to tolerate a Papist upon the throne of Great Britain. The attitude of open hostility towards the Church of Rome on the part of both statesmen and churchmen in Scotland comes clearly out in the Acts both of Parliament and of Assembly of the period. Thus the Convention of Estates in 1689, weeks before the Claim of

Right was formulated, drew up a "Proclamation against Papists." In this manifesto, having regard to the danger and hazard incurred by the religion, peace, and quiet of the kingdom through the growth and increase of Popery and Papists, the Lords and Commons of Scotland discharged all Papists from exercising any civil or military offices within the kingdom; and for the further security of the public peace and quiet they require and command all Papists within the kingdom, of whatsoever rank or condition, to deliver up their arms (excepting their ordinary wearing swords), under the penalty of being proceeded against with all rigour for contempt and disobedience. Finally, to secure the capital against the danger of a Popish plot or riot, the Estates commanded "all Papists, not being inhabitants of the town of Edinburgh, or any place adjacent thereto, to remove ten miles from the said town, or at least to their respective dwelling-houses, within forty-eight hours after publication hereof under all highest pains."[1] Clearly for those thus dealt with there was to be no toleration so far as the Parliament of Scotland was concerned. As to Catholic emancipation, the merits and demerits

[1] Tarbet's "Scots Acts, 1685-1707," pp. 134, 135.

of that legislative measure fall to be weighed by the historian of neither the seventeenth nor the eighteenth century, but of that which is now running its course and nearing its close. As with the Convention of Scottish Estates, so with the first General Assembly of the Revolution Church of Scotland. During the twelfth session an overture "anent Papists" was approved of, and ordained to have the force and strength of an Act of Assembly. It ran in these terms:— "That it be recommended to Presbyteries to take special notice what Papists are in their bounds, and that they take pains to reclaim them, and to advert how their children are educated; and, if need be, to make application to the civil authority concerning them."[1] Had the Papists of Scotland been American Indians, they could not have been legislated for in terms more indicative of the position of outsiders than are applied to them in that finding of the Assembly of 1690. Manifestly for such, there could be no place in the ecclesiastical settlement of the Revolution, any more than in the civil.

From the Roman Catholics of Scotland, we turn to those whom they would probably regard

[1] "Acts of the General Assembly of the Church of Scotland, 1638-1842." Edited by the Church Law Society. P. 226.

as their nearest neighbours—the Episcopalians. They also were outside the settlement of 1690; but they were so largely because they so placed themselves. There are Scottish Presbyterians, Churchmen and Dissenters, who are confident that if William had had a free hand he would have established a modified Episcopacy in Scotland, and that only gradually and reluctantly did he abandon the hope of seeing this accomplished. How that has been ascertained in the case of the reserved great-grandson of William the Silent, who was born and brought up a Presbyterian, and continued through life a member of the National Church of Holland, which is Presbyterian to this day, we have never been able to perceive; probably the discovery is as subjective as that which represents William III. as essentially an Erastian.

But whatever may have been the king's secret wishes and leanings, it was obviously impossible that the Prelatic Church of the Restoration could be the State Church of the Revolution. The impossibility was of that Church's own bringing about, and it was one made increasingly manifest as its ascendency drew to a close. One of the few occasions upon which the historian Hallam allows the white heat of indignation to glow upon his

pages is when he thus sets forth the wrongs and injuries inflicted upon the people of Scotland in connection with the establishment and enforcement of Episcopacy under Charles II. and James II. :—"It was very possible that Episcopacy might be of apostolical institution: but for this institution houses had been burned and fields laid waste, and the gospel had been preached in wildernesses, and its ministers had been shot in their prayers, and husbands had been murdered before their wives, and virgins had been defiled, and many had died by the executioner and by massacre, and in imprisonment, and in exile and slavery, and women had been tied to stakes on the sea-shore till the tide rose to overflow them, and some had been tortured and mutilated; it was a religion of the boots and the thumb-screw, which a good man must be very cold-blooded indeed if he did not hate and reject from the hands which offered it. For, after all, it is much more certain that the Supreme Being abhors cruelty and persecutions than that he has set up bishops to have a superiority over presbyters."[1] Although this description will in the judgment of most men justify the English historian in affirm-

[1] Hallam's "Constitutional History of England," chap. xvii., on the Constitution of Scotland.

ing that there was as clear a case of forfeiture in the Scottish Episcopal Church as in the royal family of Stuart, it is open to the adherents of both to affirm that all that was done in the name and interests of Episcopacy was not done by it, and that it is not fair to lay the atrocities of a Dalziel, a Claverhouse, and a Grierson, the torturing cruelties of a Rothes, a Lauderdale, and a Drummond at the door of a Church which might regret, but could not restrain, the doings of soldiers and Privy Councillors, who held a royal and not a prelatic warrant.

Let that vindication stand for what it is worth. There are other things for which the Scottish Episcopal Church must accept entire responsibility. It is responsible for the prelatic letter of 3rd November 1688, desiring nothing so much as the subjugation of their Presbyterian countrymen under a despotic Papist; it is responsible for the policy of hedging pursued by those of its persuasion who interviewed William III. in London, a policy meriting, as it evoked, the contempt of the straightforward Dutchman; it is responsible for by far the larger part of the Jacobitism displayed in the meeting of the Estates, when of the nine votes given against declaring the throne vacant, and inviting William

and Mary to occupy it, seven were those of bishops; and it is responsible for the fact that by the summer of 1689 the bishops had vanished, and, to borrow the sarcasm of Claverhouse, had joined "the Kirk invisible." A Church that had these things to answer for made it impossible that for it a place should be found in what was to be the Church of the people of Scotland.

Yet another ecclesiastical party in the northern kingdom stood outside the settlement of 1690, so standing of its own accord, by its own deliberate action. Those who formed this section of Scottish Presbyterianism claimed to be regarded as the historical representatives of the covenanted Church of Scotland. They adhered strictly to the principles of the Second Reformation, and as they considered these principles to be dealt with unfaithfully at the Revolution, they could not consistently take anything to do with the settlement. Although it was not till 1743 that this party was constituted the Reformed Presbyterian Church, the representatives of it had organised themselves in Covenanting times into Fellowship Societies, which maintained correspondence among themselves, and gave publicity to their attachment to the Covenanting Reformation. These worthy followers of Cameron, of Cargill, and of

Renwick found grave fault with the Revolution settlement on both its civil and its ecclesiastical side. The State, they declared, interfered to an unwarranted extent with the constitution, worship, and discipline of the Church; the Church on her part submitted tamely to the dictation of the State in matters purely spiritual. The Revolution Church allowed herself to be cut off from participation in the attainments of a glorious period in the history of the Church of Scotland—that extending from 1638 to 1649—and she did dishonour to the federal transactions of her forefathers by neither renewing nor recognising the National Covenant, the Solemn League and Covenant. As for the prime movers in revolution and in settlement, William III. exercised a supremacy in matters ecclesiastical which Covenanters had testified against, even unto cruel death, when claimed by a Charles and a James, and "Cardinal" Carstares was "a courtier and a political intriguer, a moderate and an Erastian."[1]

Allowing for the extremeness of statement which is frequently to be found associated with

[1] Rev. John Graham, in "Lectures on the Principles of the Second Reformation," 1841. It is interesting to find the discovery, if such it be, of Stanley and Story as to the ecclesiastical whereabouts of Carstares thus anticipated by a Cameronian dissenter.

strength of conviction and smallness of numbers, one cannot but respect the position taken up by the Presbyterian protesters of the seventeenth century. Theoretically they were in the right. The revolution settlement was not in all respects satisfactory. It partook largely of the nature of a compromise in which the State took too much upon it and the Church asserted itself too little. In the language of the Testimony of the first Seceders, between whom and the dissenting Presbyterians of 1690 there was a perfect sympathy of view and relation to the State Church, the civil supremacy was not *absolutely* condemned, the sovereignty of Christ was not *expressly* asserted, and the binding obligation of the Covenants was not *explicitly* acknowledged. In these circumstances the only vindication of the actions of the majority must just be that at such a juncture it is needful to be content with what it is practicable to obtain, that a half loaf is better than no bread, and that "a possible second best" is what in most cases men and nations must be content to receive. In the language of a statesman of the revolution period, "men must take what they can have in a cleanly way, when they cannot have all they would."[1] Had

[1] Lord Melville, Secretary of State, writing to Lord Crawford, President of the Scottish Parliament.

all the Presbyterians of that day insisted upon what the extreme left of the party regarded as absolutely necessary to a right adjustment, it is very doubtful if there would have been any settlement at all. In this connection it may be permitted us to quote some declaratory statements issued in 1851 by the Free Church of Scotland, presenting, as it seems to us, a well-balanced view of the matter in hand:—

"That the 'Revolution Settlement' by which the liberties of the Church were secured, under the reign of William and Mary, was in all respects satisfactory, has never been maintained by this Church. On the contrary, various circumstances may be pointed out as hindering the Church from realizing fully the attainments that had been reached during the second Reformation. . . . Thus the Revolution Settlement failed in adequately acknowledging the Lord's work done formerly in the land; and it was besides, in several matters of practical legislation, very generally considered by our fathers at the time to be defective and unsatisfactory. Some, and these not the least worthy, even went so far as to refuse all submission to it. But for the most part, our fathers, smarting from the fresh wounds of anti-Christian oppression, weary of strife, and

anxious for rest and peace, either thankfully accepted, or at least acquiesced in it; in the hope of being able practically to effect under it the great ends which the Church had all along, in all her former contendings, regarded as indispensable. For it would be in a high degree ungrateful to overlook the signal and seasonable benefits which the 'Revolution Settlement' really did confer upon the Church as well as upon the nation. Not only did it put an end to the cruel persecution by which the best blood of Scotland had been shed in the field, on the hill-side, and on the scaffold; not only did it reinstate in their several parishes the pastors who had been unrighteously cast out in the reign of the second Charles, and set up again the platform of the Presbyterian government; but by reviving and re-enacting the Statute of 1592, the original charter and foundation of Presbytery, it recognised as an inalienable part of the Constitution of this country the establishment of the Presbyterian Church. It secured also effectually, as was then universally believed, the exclusive spiritual jurisdiction of the Church, and her independence in spiritual matters of all civil control. . . . On all these grounds the Church was well entitled to rejoice in the deliverance wrought out for her

in 1688 and 1690; to thank God for it, and take courage; and to cherish the warm and sanguine expectation of reaping now the fruit of her struggles and her trials, in a career of undisturbed, united, and successful exertion for the glory of her great Head, the good of the land, and the saving of many souls." [1]

Taking a conjunct view of the Revolution and the Settlement in their civil and ecclesiastical bearings, what shall we say of them by way of conclusion? To the student of European interests, the English Revolution presents itself as the outcome of a Continental coalition or league, formed to check the ascendency of Louis XIV., the catholic king of France; to Whig politicians it is valuable as marking the triumph of the popular over the monarchical element in the government of the country; to the ecclesiastic the issues at stake were those of Episcopacy and Presbytery *versus* Popery; and to the critic of human actions and motives the Revolution seems largely owing to the pride of ancestry and the ambition of William. Each of these views has a value of its own, and each has a measure of

[1] From "Act and Declaration anent the publication of the subordinate Standards, and other authoritative documents of the Free Church of Scotland." 1851.

proof to support it. But to our thinking, the true significance and value of that pregnant era are not to be sought for in coalitions, in politics, in controversy, or in personal ambitions; they are to be found in the abiding verities of Religion and the fundamental principles of the British Constitution.

Above and beyond all other things, the great movement of the seventeenth century was a religious one. In Scotland especially, Religion was the motive and the sustaining force—a force stronger far than love of presbytery and of kirk, deeper by a long way than hatred of Popery and of Prelacy. "Religion, Liberty, and Law are the dearest concerns of mankind;" so wrote the Estates of Scotland to William III. in 1689.[1] Of that noble statement the sufferings and the struggles, the doings and the declarations of God-fearing covenanted Scotsmen all through the years from Restoration to Revolution, form one splendid illustration and enforcement.

Then in the sphere of things civil and constitutional, the Revolution was one of the grandest assertions ever made of the supremacy of National Sovereignty. During four successive Stuart reigns that principle of the supremacy

[1] Tarbet's "Scots Acts, 1685-1707," p. 136.

of the popular will had been in deadly conflict with the principle of personal and unlimited sovereignty. The strife had been long, and the issues at times doubtful. At the Restoration of 1660, and at the accession of James II. in 1685, the principle of national sovereignty seemed to be on the point of defeat; but after having been emphatically proclaimed by the Long Parliament, it was triumphantly borne on to victory in the Revolution of 1688. For then the national sovereignty did three things. It deposed James II.;[1] it passed over the legitimate son of James; and it made William and Mary King and Queen of England, Scotland, and Ireland. Great is the will of the people, and, in the last resort, it must prevail.

It is not possible for us, at this closing stage of our undertaking, to specify all the beneficial measures that have either flowed from or followed upon the religious and constitutional settlement resulting from the revolution move-

[1] "No hair-splittings about desertion or abdication could obscure the two plain facts, that the nation *deposed* James II., and, by a distinct assertion of inherent, or assumption of new, authority—it matters not which—*made* a new king out of a man who, but for such assertion or assumption of authority, could never have become more than the consort of a queen."—"William the Third," by H. D. Traill. London, Macmillan & Co., 1888.

ment of 1688. It may suffice simply to refer to that "Act for exempting their Majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws," which sought "to unite their Majesties' Protestant subjects in interest and affection," by granting "some ease to scrupulous consciences in the exercise of religion;" which received the royal assent on the 24th of May 1689, and is known to general readers as "The Toleration Act." Falling short, though it does, of full religious liberty by its express exclusion of Unitarians and Papists from "the ease, benefit, or advantage" extended to Presbyterians, Independents, Baptists, and Quakers, the Act was for England a step in advance towards that freedom which in terms it actually disclaimed. And so it has been warmly eulogised by historians of widely differing schools of thought and politics. Bishop Burnet testifies that "wise and good men did very much applaud the quieting the nation by the Toleration. It seemed to be suitable, both to the spirit of the Christian religion, and to the interests of the nation;"[1] Hallam deems it a "very scanty measure of religious liberty; yet it proved more effectual through the lenient and

[1] "History of His Own Time," vol. iv.

liberal policy of the eighteenth century;"[1] Lecky styles it "the Magna Charta of religious liberty;"[2] and Sir Thomas May regards it as "the first recognition of the right of public worship, beyond the pale of the State Church, . . . the great charter of Dissent. Far from granting religious liberty, it yet gave indulgence and security from persecution."[3] The Toleration Act of the seventeenth century stands intimately associated with legislative measures of the nineteenth—with the toleration extended to Unitarians in 1813, with Catholic emancipation carried in the reign but against the wishes, of George IV. in 1829 and with the removal of abjuration obstacles in the way of Jews becoming members of Parliament in 1859. Whatever judgment may be formed regarding these measures, it cannot be doubted they are in the succession of that progress of the British nation which is progress "from persecution to toleration, from toleration to liberty."[4]

[1] "Constitutional History of England," chap. xv.

[2] "History of Rationalism in Europe," vol. ii., pp. 83, 84.

[3] "The Constitutional History of England, since the Accession of George III.," vol. iii., p. 78. These and some other "judgments of historians" to the value of the Toleration Act are given by Dr Philip Schaff in his pamphlet "The Toleration Act of 1689," Nisbet & Co., 1888. The Appendix gives the text of the Act.

[4] Dr Schaff, *ut supra*, p. 1.

For a Scotsman there is hardly any epoch in his nation's history the study of which is not fitted to give enforcement to the poet's call:—

> "Love thou thy land with love far brought
> From out the storied Past, and used
> Within the Present, but transfused
> Through Future time by power of thought."

But if there is one era in Scottish history which more than any other may be thought of as inspiring that call, it is the period in which Scotland stood for faith and freedom—the era of the Glorious Revolution.

APPENDIX.

I.

Declaration of William of Orange for Scotland.

The Declaration of his Highness William Henry, by the grace of God Prince of Orange, of the reasons inducing him to appear in arms for preserving of the Protestant Religion, and for restoring the Laws and Liberties of the ancient Kingdom of Scotland :—It is both certain and evident to all men that the public peace and happiness of any State or Kingdom cannot be preserved wherever the Laws, Liberties, and Customs, established by the lawful authority in it, are openly transgressed and annulled : more especially where the alteration of Religion is endeavoured, and that a Religion which is contrary to Law is endeavoured to be introduced. Upon which those who are most immediately concerned in it are indispensably bound to preserve and maintain the established Laws, Liberties, and Customs ; and above all the Religion and Worship of God that is established among them : and to take such an effectual care that the inhabitants of the said State or Kingdom may neither be deprived of their Religion, nor of their Civil Rights. Which is so much the more necessary because the

greatness and security both of Kings, Royal Families, and of such as are in authority, as well as the happiness of their subjects and people depend, in a most especial manner, upon the exact observation and maintenance of these their Laws, Liberties, and Customs.

Upon these grounds it is that We cannot any longer forbear to declare that to our great regret We see that those Counsellors who have now the chief credit with the King have no other design but to overturn the Religion, Laws, and Liberties of those realms, and to subject them in all things relating to their Consciences, Liberties, and Properties to arbitrary government ; and that, not only by secret and indirect ways, but in such an open and undisguised manner that their designs are now become visible to all that consider them.

And, indeed, the lamentable effects of an arbitrary power and of evil counsels are so manifest in the deplorable state of the Kingdom of Scotland, that both our reason and conscience do prompt us to an abhorrence of them. For when We consider the sad condition that nation, though always affectionate to the Royal Family, and governed for many ages by laws made by the authority of their Kings and of the Estates of Parliament and by common customs, is reduced to by endeavours that have been used to change the constitution of the monarchy regulate by laws into a despotic and arbitrary power ; which doth evidently appear, not only by the actings of evil Counsellors in power, but by the deliberate and express

public declarations, bearing that the King is an absolute Monarch, to whom obedience ought to be given in all things without reserve, thereby to make way to introduce what Religion they please, without so much as the necessity of the consent of the nation by their Estates in Parliament. Whilst We consider and ponder these things, as We cannot but be touched with a tender sense of those miseries, so the giving such remedy to them as may be proper, and may answer the expectation of all good men and true Protestants is the great thing which We propose to ourselves in this undertaking; the equity whereof will be justified to the world, if what hath been acted at the instigation of those evil Counsellors be further impartially weighed.

It is well known that the Laws, Privileges, and Rights of the Kingdom have been overturned to the great prejudice of King and People, whilst thus all foundation of confidence and trust is removed. And it is no less known what have been the arbitrary procedures of an encroaching Privy Council; for although by the laws enacted by the authority of King and Parliament it is expressly prohibited that the Popish Religion should be professed or Seminary Priests suffered within the Kingdom or that the children of any nobleman or gentleman should be sent abroad to be educated in Popish Colleges; yet have these evil Counsellors ordered or suffered young noblemen to be taken from their relations and to be sent abroad to be instructed in Jesuits' Colleges, and have likewise caused schools to be erected under the conduct of

Popish Priests, and that in the Capital City of the Kingdom.

In an open contempt also of the known Laws of the Kingdom, Papists are put into places of highest trust, both civil and military, and entrusted with all the forts and magazines. The rights and privileges of the Royal Boroughs, the third Estate of Parliament, having as many Deputies in it as all the Shires in the Kingdom, are taken away, and they hindered in the free election of their Magistrates and Town Councils, to the manifest violation of their Charters, established by law and immemorial possession. And all this done by mere arbitrary power, without any citation, trial, or sentence.

And whereas no nation whatsoever can subsist without the administration of good and impartial justice, upon which men's lives and liberties, their honours and estates depend, yet those evil Counsellors have subjected these to an arbitrary and despotic power, having turned out Judges, who by law ought to continue during their life or their good behaviour, because they would not conform themselves to their intentions, and put others in their places who they believed would be more compliant, and that without any regard to their abilities; by which it evidently appears that those evil Counsellors design to render themselves the absolute masters of the lives, honours, and estates of the subjects without being restrained by any rule or law.

By the influence of the same evil Counsellors hath a most exorbitant power been exercised in imposing

bonds and oaths upon whole Shires without any law or act of Parliament; in permitting free quarters to the soldiers, although they had a sufficient establishment for their pay, whereby the kingdom was doubly burdened without any redress; in imprisoning gentlemen without any so much as alleged reason, forcing many to accuse and witness against themselves, imposing arbitrary fines, frightening and harassing many parts of the country with intercommuning and justiceaires, making some incur the forfeiture of life and fortune for the most general and harmless converse, even with their nearest relations outlawed: and thus bringing a consternation upon a great part of the kingdom, which, when outlawries and intercommunings went out against multitudes upon the slenderest pretexts, was involved so universally in that danger that those Counsellors themselves were so obnoxious as to find it necessary to have pardons and indemnities, whilst the poor people were left to mercy; impowering officers and soldiers to act upon the subjects, living in quiet and full peace, the greatest barbarities in destroying them by hanging, shooting, and drowning them, without any form of law or respect to age or sex, not giving some of them time to pray to God for mercy, and this for no other reason than because they would not answer or satisfy them in such questions as they proposed to them without any warrant of law, and against the common interest of mankind, which frees all men from being obliged to discover their secret thoughts. Besides a great many other violences and oppressions to which that poor nation

hath been exposed, without any hope of having an end put to them, or to have relief from them.

And that the arbitrary and illegal proceedings of these evil Counsellors might be justified and supported, such a declaration hath been procured by them, as strikes at the root of government and overturns the most sacred rights of it, in making all Parliaments unnecessary, and taking away all defences of Religion, Liberty, and Property by an assumed and asserted absolute power to which obedience is required without reserve ; which every good Christian is persuaded to be due to God Almighty alone, all whose commandments are always just and good.

These evil Counsellors have used their utmost endeavours to abolish the penal laws, excluding all who are Protestants from public trust, who give too great a check to their designs. For the accomplishing of this a liberty hath been granted to Dissenters, but such an one as that the continuance thereof is plainly insinuated to depend upon their hearty concurrence for abolishing the above-mentioned penal laws, the only legal defence of their Religion ; although the Dissenters have just cause of distrust when they call to mind how some hundreds of their ministers were driven out of their churches without either accusation or citation : the filling of many whole places with ignorant and scandalous persons hath been one great occasion of all those miseries which that country for a long time hath groaned under. And Dissenters have but small ground to rest on any present ease founded upon a proclamation, which may be recalled

any hour, and which, in the first and second editions of it, gave no relief to them, especially considering that not many months before the greatest of the forementioned severities and barbarities had been exercised upon them.

But to crown all, there are great and violent presumptions inducing us to believe that those evil Counsellors, in order to the carrying on of their ill designs, and to the gaining to themselves the more time for the effecting of them, for the encouraging of their accomplices and for the discouraging of all good subjects, have published that the Queen hath brought forth a Son, though there have appeared, both during the Queen's pretended bigness, and in the manner in which the birth was managed, so many just and visible grounds of suspicion that, not only We ourselves, but all the good subjects of those kingdoms, do vehemently suspect that the pretended Prince was never born by the Queen. And it is notoriously known to all the world that many both doubted of the Queen's bigness and of the birth of the child, and yet there was not any one thing done to satisfy them or to put an end to their doubts.

And since our dearest and most entirely beloved Consort, the Princess, and likewise We ourselves have so great an interest in this matter and such a right as all the world knows to the succession of these kingdoms which those men have attempted to violate, for preventing of all redress of miseries, by the lawful successors of the Crown, educated by the good providence of God in the true profession of the Pro-

testant Religion, We cannot excuse ourselves from espousing the true interest of these nations in matters of such high consequence, and from contributing all that lies in Us for the defence of the Laws and Liberties thereof, the maintaining of the Protestant Religion in them, and the securing the people in the enjoyment of their just rights.

But that our intentions may be so manifest that no person may doubt or pretend to doubt thereof, to excuse themselves from concurring with us in this just design for the universal good of the nation, We do declare that the freeing that Kingdom from all hazard of Popery and arbitrary power for the future, and the delivering it from what at the present doth expose it to both, the settling of it by Parliament upon such a solid basis as to its religious and civil concerns, as may most effectually redress all the above mentioned grievances, are the true reasons of our present undertaking as to that nation.

And therefore We persuade ourselves that our endeavours to give the best assistance we can for the relief of so distressed a Kingdom shall not only be accompanied with a cheerful and universal concurrence of the whole nation, that even those who have been instruments for the enslaving of it will now shew their dislike of what they have done by their timeous and seasonable diligence for its rescue: And that if any shall not give us that assistance which their conscience to God and their respect to their country oblige them to, they shall be justly charged with all the evils that may be the effects of such a want of their duty.

And as We ourselves desire to trust to the Almighty God alone for the success of our arms, so we expect all good men that they will apply themselves most earnestly to Him for His blessing upon our endeavours, that so they may tend to the glory of His great name, to the establishment of the Reformed Churches, and to the peace and happiness of that Kingdom.

Given under our hand and seal, at our Court in the Hague, the Tenth of October, in the year of our Lord 1688.

William Henry, Prince of Orange.

II.

Declaration of Right agreed upon by the English Convention of Estates, January, 1689.

Whereas the late King James the Second, by the assistance of diverse evil Counsellors, Judges, and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom;

By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament;

By committing and prosecuting diverse worthy prelates, for humbly petitioning to be excused from concurring with the said assumed powers;

By issuing and causing to be executed a Commission under the Great Seal, for erecting a Court

called the Court of Commissioners for Ecclesiastical Causes;

By levying money to and for the use of the Crown by pretence of prerogative, for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this Kingdom in time of peace, without consent of Parliament, and quartering of soldiers contrary to law;

By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament; and lastly,

By prosecutions in the Court of King's-bench for matters and causes cognizable only in Parliament, and by diverse other arbitrary and illegal courses.

And whereas of late years partial, corrupt, and unqualified persons have been returned and served upon juries in trials, and particularly diverse jurors in trials for high treason, which were not freeholders.

And excessive bail has been required of persons committed in criminal causes to elude the benefit of the laws made for the liberty of the subject.

And excessive fines have been imposed, and illegal and cruel punishments inflicted: And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the

known laws and statutes and freedom of this realm. And whereas the said late King James the Second, having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering the Kingdom from Popery and arbitrary power) did, by the advice of the Lords Spiritual and Temporal and diverse principal persons of the Commons, cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque-ports, for the choosing of such persons to represent them, as were of right to be sent to Parliament to meet and sit at Westminster upon the 20th of January 1688, in order to such an establishment, as that their Religion, Laws, and Liberties might not again be in danger of being subverted; upon which letters elections were made accordingly; and thereupon the Lords Spiritual and Temporal, and the Commons pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place, as their ancestors in the like case have usually done, for the vindicating and asserting their ancient rights and liberties DECLARE,

That the pretended power of suspending laws, or the execution of laws by regal authority, without consent of Parliament, is illegal.

That the pretended power of dispensing with laws

or the execution of laws by regal authority as it has been assumed and exercised of late, is illegal.

That the Commission for erecting the late Court of Commissioners for ecclesiastical Causes, and all other Commissions and Courts of the like nature, are illegal and pernicious.

That levying of money for or to the use of the Crown, by pretence of prerogative without grant of Parliament; or for longer time, or in any other manner than the same is, or shall be granted, is illegal.

That it is the right of the subjects to petition the King, and that all commitments and prosecutions for such petitionings, are illegal.

That the raising or keeping a standing army within the Kingdom in time of peace, unless it be with consent of Parliament, is against law.

That the subjects which are Protestants may have arms for their defence, suitable to their condition, and as allowed by law.

That elections of members for Parliament ought to be free.

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

That excessive bail ought not to be required, or excessive fines imposed, nor cruel and unusual punishments inflicted.

That jurors ought to be duly impanelled and returned, and that jurors which pass upon men in trials for high treason ought to be free holders.

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

And that for redress of grievances, and for amending, strengthening and preserving the Laws, Parliaments ought to be frequently held.

And they do claim and demand and insist upon all and singular the premisses as their undoubted Rights and Liberties. And that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the premisses ought in any wise to be drawn hereafter into consequence or example.

To which demand of their Rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their Rights which they have here asserted, and from all other attempts upon their Religion, Rights, and Liberties: the said Lords Spiritual and Temporal, and Commons assembled at Westminster do RESOLVE,

That William and Mary, Prince and Princess of Orange, be and be declared King and Queen of England, France, and Ireland, and the Dominions thereto belonging; to hold the Crown and royal dignity of the said Kingdoms and Dominions, to them the said Prince and Princess during their lives, and the life of the survivor of them. And that the sole

and full exercise of the regal power be only in, and executed by the said Prince of Orange in the name of the said Prince and Princess during their joint lives. And after their deceases the said Crown and royal dignity of the said Kingdoms and Dominions to be to the heirs of the body of the said Princess. And for default of such issue, to the Princess Ann of Denmark and the heirs of her body ; and for default of such issue, to the heirs of the body of the said Prince of Orange. And the said Lords Spiritual and Temporal, and Commons do pray the said Prince and Princess of Orange to accept the same accordingly.

And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them ; and that the said oaths of allegiance and supremacy may be abrogated.

I A. B. do sincerely promise and swear that I will be faithful, and bear true allegiance to their Majesties King William and Queen Mary. So help me God.

I A. B. do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, That Princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or murdered by the subjects or any other whatsoever. And I do declare that no foreign Prince, Person, Prelate, State or Potentate has or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual within this realm. So help me God.

III.

THE DECLARATION OF THE ESTATES OF THE KINGDOM OF SCOTLAND, containing the CLAIM OF RIGHT, and the offer of the Crown to their Majesties King William and Queen Mary. April 11, 1689.

Whereas King James the Seventh, being a professed Papist, did assume the regal power, and acted as King, without ever taking the Oath required by Law, whereby the King at his access to the government is obliged to swear to maintain the Protestant Religion, and to rule the people according to the laudable laws; And did, by the advice of wicked and evil Counsellors, invade the fundamental constitution of this Kingdom and altered it from a legal limited monarchy to an arbitrary despotic power; And in a public proclamation asserted an absolute power to cass, annul, and disable all the laws, particularly arraigning the laws establishing the Protestant Religion, and did exercise that power to the subversion of the Protestant Religion, and to the violation of the laws and liberties of the Kingdom;

By erecting public schools and societies of the Jesuits; and not only allowing Mass to be publicly said, but also inverting Protestant Chapels and Churches to public Mass-houses, contrary to the express laws against saying and hearing of Mass;

By allowing Popish books to be printed and dispersed by a gift to a Popish printer; designing him

printer to his Majesties household, college, and Chapel, contrary to the laws.

By taking the children of Protestant noblemen and gentlemen, sending and keeping them abroad to be bred Papists, making great fonds and dotations to Popish schools and colleges abroad, bestowing pensions upon priests, and perverting Protestants from their Religion, by offers of places, preferments and pensions.

By disarming Protestants, while at the same time he employed Papists in the places of greatest trust, civil and military, such as Chancellors, Secretaries, Privy Counsellors, and Lords of Session, thrusting out Protestants to make room for Papists, and entrusting the forts and magazines of the Kingdom in their hands.

By imposing oaths contrary to law.

By giving gifts and grants for exacting money without Consent of Parliament, or Convention of the Estates.

By levying and keeping on foot a standing army in time of peace, without consent of Parliament, which army did exact locality, free and dry quarters.

By employing officers of the army as judges through the Kingdom, and imposing them where there were heritable offices and jurisdictions, by whom many of the lieges were put to death summarily without legal trial, jury, or record.

By using inhuman tortures without any evidence and in ordinary crimes.

By imposing exorbitant fines to the value of the

parties Estates, exacting extravagant bail, and disposing fines and forfeitures before any process or conviction.

By imprisoning persons without expressing the reason and delaying to put them to trial.

By causing to pursue and forfault several persons upon stretches of old and obsolete laws, upon frivolous and weak pretence, upon lame and defective probation; As particularly the late Earl of Argyle, to the scandal and reproach of the justice of the nation.

By subverting the right of the royal Burghs, the third Estate of Parliament, imposing upon them not only magistrates, but also the whole town council and clerks contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent. So that, the commissioners to Parliament being chosen by the magistrates and council, the King might in effect as well nominate that entire Estate of Parliament; and many of the said magistrates put in by him were avowed Papists, and the Burghs were forced to pay money for the letters imposing these illegal magistrates and councils upon them.

By sending letters to the chief courts of Justice, not only ordering the Judges to stop and desist, *sine die*, to determine causes; but also ordering and commanding them how to proceed in causes depending before them, contrary to the express laws, and by changing the nature of the Judges gifts *ad vitam aut culpam*, and giving them commissions *ad bene placitum* to dispose them to compliance with arbitrary courses,

and turning them out of their offices when they did not comply; and particularly those who in Parliament opposed the abrogating the laws made for security of the Protestant Religion.

By granting personal protections for civil debts, contrary to law.

All which are utterly and directly contrary to the known laws, statutes, and freedoms of this realm.

Therefore the Estates of the Kingdom of Scotland find and declare that King James the Seventh, being a professed Papist, did assume the regal power, and acted as king without ever taking the Oath required by law, and hath, by the advice of evil and wicked Counsellors, invaded the fundamental constitution of the kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same to the subversion of the Protestant Religion, and the violation of the laws and liberties of the kingdom, inverting all the ends of government, whereby he hath forefaulted the right to the Crown, and the Throne is become vacant.

And whereas his Royal Highness William, then Prince of Orange, now King of England, whom it hath pleased the Almighty God to make the glorious instrument of delivering these kingdoms from Popery and arbitrary Power, did by the advice of several Lords and Gentlemen of this nation, at London for the time, call the Estates of this Kingdom to meet the 14th of March last, in order to such an establishment as that their Religion, Laws, and Liberties might not be again in danger of being subverted; And the

said Estates being now assembled in a full and free representative of this nation, taking to their most serious considerations the best means for attaining the ends aforesaid, DO, in the first place, as their ancestors in the like cases have usually done, for the vindicating and asserting their ancient rights and liberties, DECLARE,

That by the law of this Kingdom no Papist can be King or Queen of this realm, nor bear any office whatsoever therein; nor can any Protestant successor exercise the regal power, until he or she swear the Coronation Oath.

That all proclamations asserting an absolute power to cass, annul, and disable laws, the erecting schools and colleges for Jesuits, the inverting Protestant Chapels and Churches to public Mass-houses, and the allowing Mass to be said are contrary to law.

That the allowing Popish books to be printed and dispersed is contrary to law.

That the taking the children of noblemen, gentlemen and others, sending and keeping them abroad to be bred Papists, the making fonds and dotations to Popish schools and colleges, the bestowing pensions on priests, and the perverting Protestants from their religion by offers of places, preferment, and pensions, are contrary to law.

That the disarming of Protestants and employing Papists in the places of greatest trust, both civil and military, the thrusting out Protestants to make room for Papists, and the entrusting Papists with the forts and magazines of the Kingdom are contrary to law.

That the imposing Oaths without authority of Parliament is contrary to law.

That the giving gifts or grants for raising of money without the consent of Parliament or Convention of Estates is contrary to law.

That the employing the officers of the army as Judges through the Kingdom, or imposing them where there were heritable offices and jurisdictions, and the putting the lieges to death summarily without legal trial, jury or record are contrary to law.

That the imposing extraordinary fines, the exacting of exorbitant bail, and the disposing of fines and forfeitures before sentence, are contrary to law.

That the imprisoning persons without expressing the reason thereof and delaying to put them to trial is contrary to law.

That the causing pursue and forfeit persons upon stretches of old and obsolete laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late Earl of Argyle, are contrary to law.

That the nominating and imposing the magistrates, councils and clerks upon Burghs, contrary to their liberties and express charters, is contrary to law.

That the sending letters to the Courts of Justice ordaining the Judges to stop or desist from determining causes or ordaining them how to proceed in causes depending before them, and the changing the nature of the Judges gifts *ad vitam aut culpem*, into commissions *durante beneplacite* are contrary to law.

That the granting personal protections for Civil debts is contrary to law.

That the forcing the lieges to depone against themselves in capital crimes, however the punishment be restricted, is contrary to law.

That the using torture without evidence or in ordinary crimes, is contrary to law.

That the sending of an army in an hostile manner upon any part of the Kingdom in a peaceable time and exacting of locality and any manner of free quarters is contrary to law.

That the charging of the lieges with law-borrows at the King's instance, and the imposing of bonds without the authority of Parliament, and the suspending advocates from their employment for not compearing when such bonds were offered, were contrary to law.

That the putting of garrisons in private men's houses in time of peace without their consent or the authority of Parliament is contrary to law.

That the opinions of the Lords of Session in the two cases following were contrary to law, viz.—1. That the concealing the demand of a supply for a forefaulted person, although not given, is treason. 2. That persons refusing to discover what are their private thoughts and judgments in relation to points of treason or other men's actions are guilty of treason.

That the fining husbands for their wives withdrawing from the Church was contrary to law.

That Prelacy and the superiority of any office in

the Church above Presbyters is and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people, ever since the Reformation (they having reformed from Popery by Presbyters), and therefore ought to be abolished.

That it is the right and privilege of the subjects to protest for remeid of law to the King and Parliament against sentences pronounced by the Lords of Session, provided the same do not stop execution of these sentences.

That it is the right of the subjects to petition the King, and that all imprisonments and prosecutions for such petitioning are contrary to law.

That for redress of all grievances, and for the amending, strengthening, and preserving of the laws Parliaments ought to be frequently called, and allowed to sit, and the freedom of speech and debate secured to the members.

And they do CLAIM, DEMAND, and INSIST upon all and sundry the premisses as their undoubted Rights and Liberties, and that no declarations, doings, or proceedings to the prejudice of the people in any of the said premisses, ought in any ways to be drawn hereafter in consequence or example, but that all forfeitures, fines, loss of offices, imprisonments, banishments, pursuits, persecutions, tortures, and rigorous executions be considered, and the parties lesed be redressed.

To which demand of their Rights and redressing of their grievances they are particularly encouraged

by his Majesty the King of England, his declaration for the Kingdom of Scotland of the 10th day of October last, as being the only means for obtaining full redress and remedy therein.

Having therefore an entire confidence that his said Majesty the King of England will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their Rights which they have here asserted, and from all other attempts upon their Religion, Laws, and Liberties.

The said Estates of the Kingdom of Scotland do resolve that WILLIAM and MARY, King and Queen of England, France, and Ireland, be and be declared King and Queen of Scotland, to hold the Crown and royal dignity of the said Kingdom of Scotland to them the said King and Queen during their lives, and the longest liver of them, and that the sole and full exercise of the regal power be only in and exercised by him the said King in the names of the said King and Queen during their joint lives ; and after their decease the said Crown and royal dignity of the said Kingdom to be to the heirs of the body of the said Queen ; which failing to the Princess Ann of Denmark, and the heirs of her body ; which also failing to the heirs of the body of the said WILLIAM of England.

And they do pray the said King and Queen of England to accept the same accordingly.

And that the Oath hereafter mentioned be taken by all Protestants of whom the Oath of allegiance and any other Oaths and Declarations might be

required by law instead of them, and that the said Oath of allegiance and other Oaths and Declarations may be abrogated.

I A. B. do sincerely promise and swear that will be faithful and bear true allegiance to their Majesties King WILLIAM and Queen MARY. So help me God.

IV.

THE ARTICLES OF GRIEVANCES represented by the Estates of the Kingdom of Scotland to the King's most excellent Majesty to be redressed in Parliament whereof the tenor follows. April 13, 1689.

The Estates of the Kingdom of Scotland do represent that the Committee of Parliament called the Articles is a great grievance to the nation, and that there ought to be no Committees of Parliament but such as are freely chosen by the Estates to prepare motions and overtures that are first made in the House.

That the first Act of Parliament 1669 is inconsistent with the Establishment of the Church government now desired, and ought to abrogated.

That the forefaultures in prejudice of vassals, creditors, and heirs of entail are a great grievance.

That the obliging the lieges to depone upon crimes against delinquents otherways than when they are adduced in special processes as witnesses is a great grievance.

That assizes of error are a grievance, and that juries be considered by Parliament.

That the 18th Act of Parliament 1681, declaring a cumulative jurisdiction is a grievance.

That the Commissariat Courts, as they are now constituted, are a grievance.

That the 27th Act of Parliament 1663, giving to the King power to impose custom at pleasure upon foreign import and trade, is a grievance and prejudicial to the trade of the nation.

That the not taking an effectual course to repress the depredations and robberies by the Highland Clans is a grievance.

That the banishment by the Council of the greatest part of the advocates from Edinburgh, without a process, was a grievance.

That most of the laws enacted in the Parliament Anno 1685 are impious and intolerable grievances.

That the marriage of a King or Queen of this realm to a Papist is dangerous to the Protestant Religion and ought to be provided against.

That the levying or keeping on foot a standing army in times of peace, without consent of Parliament, is a grievance.

That all grievances relating to the manner and measure of the lieges their representation in Parliament be considered and redressed in the first Parliament.

That the grievances of the Burrows be considered and redressed in Parliament.

V.

Act ratifying the Confession of Faith and settling Presbyterian Church Government. June 7, 1690.

Our Soveraign Lord and Lady, the King and Queens Majesties, and three Estates of Parliament, conceiving it to be their bound duty, after the great deliverance that God hath lately wrought for this Church and Kingdom, in the first place to settle and secure therein the true Protestant Religion, according to the truth of God's Word, as it hath of a long time been professed within this land: As also the government of Christ's Church within this nation, agreeable to the Word of God, and most conducive to the advancement of true piety and godliness, and the establishing of peace and tranquility within this realm; and that by an article of the Claim of Right, it is declared, that Prelacy and the Superiority of any office in the Church above Presbyters is, and hath been a great and insupportable grievance and trouble to this nation and contrary to the inclinations of the generality of the people ever since the Reformation, they having reformed from Popery by Presbyters, and therefore ought to be abolished;

Likeas by an act of the last Session [July 22, 1689] of this Parliament Prelacy is abolished;

Therefore their Majesties, with advice and consent of the said three Estates, do hereby revive, ratify, and perpetually confirm all laws, statutes and acts of Parliament made against Popery and Papists, and

for the maintenance and preservation of the true Reformed Protestant Religion, and for the true Church of Christ within this Kingdom, in so far as they confirm the same, or are made in favour thereof.

Likeas, they by these presents, ratify and establish the Confession of Faith, now read in their presence, and voted and approven by them, as the public and avowed Confession of this Church, containing the sum and substance of the doctrine of the Reformed Churches; (which Confession of Faith is subjoined to this present act.)

As also they do establish, ratify and confirm the Presbyterian Church Government and Discipline.

That is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, ratified and established by the 114 Act, Ja. 6, Parl. 12, anno 1592, entituled, Ratification of the liberty of the true kirk, &c. And thereafter received by the general consent of this nation, to be the only government of Christ's Church within this Kingdom: reviving, renewing and confirming the foresaid act of Parliament in the whole heads thereof, except that part of it relating to Patronages, which is hereafter to be taken into consideration:

And rescinding, annulling and making void the Acts of Parliament following, viz.:—Act anent restitution of Bishops, Ja. 6, Parl. 18, Cap. 2. Act ratifying the Acts of the Assembly 1610, Ja. 6. Parl. 21, Cap. 1. Act anent the election of Arch Bishops and Bishops, Ja. 6, Parl. 22, Cap. 1. Act

entituled, Ratification of the Five Articles of the General Assembly at Perth, Ja. 6, Parl. 23, Cap. 1. Act entituled, For the restitution and re-establishment of the ancient government of the Church by Arch-Bishops and Bishops, Ch. 2, Parl. 1, Sess. 2, Act 1. Anent the constitution of a National Synod, Ch. 2, Parl. 1, Sess. 3, Act 5. Act against such as refuse to depone against delinquents, Ch. 2, Parl. 2, Sess. 2, Act 2. Act entituled, Act acknowledging and asserting the right of succession to the Imperial Crown of Scotland, Ch. 2, Parl. 3, Act 2. Act entituled, Act anent Religion and the Test, Ch. 2, Parl. 3, Act 6.

With all other acts, laws, statutes, ordinances and proclamations, and that in so far allanerly [only] as the said acts and others generally and particularly above mentioned are contrary or prejudicial to, inconsistent with or derogatory from the Protestant Religion and Presbyterian Government now established;

And allowing and declaring that the Church Government be established in the hands of, and exercised by these Presbyterian Ministers who were outed since the 1st of January 1661, for non-conformity to Prelacy, or not complying with the courses of the times: and are now restored by the late Act of Parliament, and such Ministers and Elders only as they have admitted or received, or shall hereafter admit or receive:

And also, that all the said Presbyterian Ministers have and shall have right to the maintenance, rights, and other privileges by law provided to the Ministers

of Christ's Church within this Kingdom, as they are or shall be legally admitted to particular churches.

Likeas, in pursuance of the premisses, their Majesties do hereby appoint the first meeting of the General Assembly of this Church, as above established, to be at Edinburgh, the 3rd Thursday of October next to come in this instant year 1690.

And because many conform Ministers either have deserted or were removed from preaching in their Churches preceding the 13th day of April 1689, and others were deprived for not giving obedience to the Act of the Estates made in the said 13th of April 1689, entituled Proclamation against the owning of the late King James, and appointing public prayers for King William and Queen Mary; therefore their Majestys, with advice and consent foresaid, do hereby declare all the Churches, either deserted or from which the conform Ministers were removed or deprived as said is to be vacant, and that the Presbyterian Ministers exercising their ministry within any of these Paroches [Parishes] (or where the last incumbent is dead) by the desire or consent of Paroch shall continue their possession, and have right to the benefices and stipends according to their entry in the year 1689. And in time coming, ay, and while the Church as now established, take further course therewith.

And to the effect the disorders that have happened in this Church may be redressed their Majesties, with advice and consent foresaid do hereby allow the General Meeting and Representatives of the

foresaid Presbyterian Ministers and Elders in whose hands the exercise of the Church Government is established, either by themselves or by such Ministers and Elders as shall be appointed and authorized visitors by them, according to the custom and practice of Presbyterian Government throughout the whole Kingdom and several parts thereof, to try and purge out all insufficient, negligent, scandalous, and erroneous Ministers by due course of ecclesiastical process and censures; and likewise for redressing all other Church disorders.

And further it is hereby provided that whatsoever Minister being convened before the said General Meeting and Representatives of the Presbyterian Ministers and Elders, or the visitors to be appointed by them shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censured, whether by suspension or deposition, they shall *ipso facto* be suspended from or deprived of their stipends and benefices.

Follows the foresaid Confession of Faith.

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